

REDACTED

STATE OF NEW HAMPSHIRE

JUDICIAL CONDUCT COMMITTEE

JC-19-050-C and JC-20-010-C

In RE: Honorable Julie A. Introcaso

JUDICIAL CONDUCT COMMITTEE’S (JCC) EXHIBIT LIST

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- 18 1/9/20 Judge Introcaso's Response to Partello complaint (JC-19-050-G)
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- 20 4/3/20 Response from Judge Introcaso to JCC letter (JC-20-010-CII)
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8/20/15 Order on Appt. of GAL – KS Covart (Introcaso)
10/13/16 Order on Appt. of GAL – KS Albrecht (Introcaso)
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11/29/18 Order on Appt. of GAL- KS-Loudermilk (Introcaso)
12/12/18 Order on Appt. of GAL- KS-Ausiaikova (DalPra/Introcaso)
- 38 Any exhibits listed by the Respondent.

Dated: February 10, 2021

Respectfully submitted,
Judicial Conduct Committee
By its Hearing Counsel,

By: /s/ Philip R. Waystack
Philip R. Waystack, Esquire

Certification

I certify that I have provided the Judicial Conduct Committee's Exhibit List to all parties of record electronically.

By: /s/ Philip R. Waystack
Philip R. Waystack, Esquire

DEPOSITION EXHIBIT

INTROCASO

2

9TH CIRCUIT - FAMILY DIVISION - NASHUA
CASE SUMMARY
CASE NO. 659-2018-DM-00702

In the Matter of David Campbell and Robin Partello

U
S
SLocation: 9th Circuit - Family Division -
Nashua

Filed on: 10/12/2018

CASE INFORMATION

Case Type: Individual Parenting Petition

Case
Status: 10/12/2018 Pending

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number

659-2018-DM-00702

Court

9th Circuit - Family Division - Nashua

Date Assigned

10/12/2018

PLAINTIFF'S
EXHIBIT

1

PARTY INFORMATION

Positioner

Campbell, David

10 East Dunstable Road
Nashua, NH 03060

Attorneys

Cota, Tracey G., ESQ

Retained

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603-225-7262(W)

Shaheen & Gordon PA

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PO Box 2703

Concord, NH 03302-2703

tcota@shaheengordon.com

Manganaro, Jeffrey Leo, ESQ

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Concord, NH 03302-2703

jmanganaro@shaheengordon.com

Respondent

Partello, Robin

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Apt. 7
Derry, NH 03033

Child

Guardian ad
Litem

Sternenberg, Kathleen A.

Law Office of Kathleen Sternenberg
PO Box 2288
Concord, NH 03302

DATE

EVENTS & ORDERS OF THE COURT

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10/12/2018 Individual Parenting Petition

Index #1

10/12/2018 Motion for Ex Parte Relief
Party: Attorney Manganaro, Jeffrey Leo, ESQ

Index #2

9TH CIRCUIT - FAMILY DIVISION - NASEUA
CASE SUMMARY
CASE NO. 659-2018-DM-00702

10/12/2018	Affidavit of Notice	Index #3
10/12/2018	Ex Parte Order (Judicial Officer: DalPra, Bruce F) <i>"No ex parte orders are issued. The case shall be scheduled for a prompt hearing."</i>	Index #4
10/12/2018	Objection Party: Respondent Partello, Robin to Ex Parte Motion (RSP)	Index #5
10/12/2018	Orders of Notice	Index #6
10/12/2018	Instruction for Service	Index #7
10/23/2018	CIP Certificate - Petitioner	Index #8
10/24/2018	Ex Parte Hearing (Judicial Officer: DalPra, Bruce F)	
10/24/2018	Return of Service Party: Attorney Manganaro, Jeffrey Leo, ESQ; Petitioner Campbell, David David Campbell	Index #9
10/24/2018	Proposed Order Party: Attorney Manganaro, Jeffrey Leo, ESQ; Petitioner Campbell, David David Campbell	Index #10
10/24/2018	Order Issued (Judicial Officer: Intracaso, Julie A)	
10/24/2018	Order Appointing GAL (Judicial Officer: DalPra, Bruce F) Kathleen Siemenberg	Index #11
10/24/2018	Order (Judicial Officer: DalPra, Bruce F) Interim Order	Index #12
11/05/2018	Motion to Reconsider Party: Petitioner Campbell, David ptr	Index #14
11/14/2018	Granted <i>"as to D, E and F. Denied as to other requests. The parties are free to alter or modify parenting time by written agreement" (DalPra, MM/Intracaso, J)</i>	
11/13/2018	CIP Certificate - Petitioner	Index #15
11/13/2018	Objection to motion to reconsider-Robin Partello	Index #16
11/14/2018	Motion Party: Attorney Manganaro, Jeffrey Leo, ESQ PTR Expedited Motion to the holiday parenting schedule to accommodate annual family celebration-Attorney Campbell for PTR	Index #17
11/28/2018	Granted <i>"Petitioner shall return the child no later than December 3, 2018 at 4:00 P.M. (DalPra, MM/Quigley, J)</i>	
11/26/2018	Motion Party: Respondent Partello, Robin Objection to Ruling on motion to reconsider-Robin Partello	Index #18

9TH CIRCUIT - FAMILY DIVISION - NASSUA

CASE SUMMARY

CASE NO. 659-2018-DM-00702

11/26/2018	Motion Party: Respondent Partello, Robin <i>OBJ to ruling on motion to reconsider-Robin Partello</i>	Index #19
12/06/2018	Response Party: Attorney Mangano, Jeffrey Leo, ESQ <i>Petitioner's Response To Respondent's Objection To Ruling On Motion To Reconsider</i>	Index #20
12/12/2018	Appearance Party: Guardian ad Litem Sternberg, Kathleen A. <i>Kathleen Sternberg, GAL for Minor [REDACTED]</i>	Index #21
12/12/2018	Motion Party: Guardian ad Litem Sternberg, Kathleen A. <i>for Approval (GAL)</i>	Index #22
12/12/2018	Guardian Ad Litem Stipulation Party: Guardian ad Litem Sternberg, Kathleen A.	Index #23
12/12/2018	Motion for Instruction Party: Guardian ad Litem Sternberg, Kathleen A. <i>GAL</i>	Index #24
12/31/2018	Order Issued (Judicial Officer: Derby, Mark S) <i>Respondent did not file a timely objection. Motion granted as follows: Respondent will execute the Authorization as drafted. At least 7 days prior to using the Authorization to obtain information about the Respondent, GAL shall notify respondent of intended use of the Authorization. If Respondent does not file appropriate pleading/motion/objection in court during the 7-day period, GAL may use the Authorization as planned. If filed, Court will address Respondent's pleading/motion/objection in an expedited manner.</i>	
12/12/2018	Motion Party: Attorney Mangano, Jeffrey Leo, ESQ <i>PTP's Expedited Motion to Establish Christmas and New Years Holiday Parenting Schedule</i>	Index #25
12/21/2018	Approved (Judicial Officer: Derby, Mark S) <i>Approved, Granted & So Ordered.</i>	
12/31/2018	CANCELED Hearing on Motion(s) <i>Motion #25 Petitioner's expedited motion to establish christmas and new Year's holiday parenting schedule</i>	
01/16/2019	Further Hearing (Judicial Officer: DalPra, Bruce F) <i>Temp and Structuring</i>	
01/10/2019	Parenting Plan. Party: Respondent Partello, Robin <i>Robin Partello</i>	Index #26
01/10/2019	Parenting Plan (Judicial Officer: DalPra, Bruce F) <i>with addendum (Temporary)</i>	Index #27
01/11/2019	Order Issued (Judicial Officer: Derby, Mark S)	
01/10/2019	Scheduling Order (Judicial Officer: DalPra, Bruce F) <i>Temporary Hearing/Scheduling Conference Order</i>	Index #28
01/11/2019	Order Issued (Judicial Officer: Derby, Mark S)	

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9TH CIRCUIT - FAMILY DIVISION - NASEUA
CASE SUMMARY
CASE NO. 699-2018-DM-00702

01/28/2019	Motion to Reconsider Party: Respondent Partello, Robin <i>Robin Partello</i>	<i>Index #29</i>
02/15/2019	Denied (Judicial Officer: DalPra, Bruce F)	
01/29/2019	Motion for Contempt Party: Attorney Cote, Tracey G., ESQ <i>and to Enforce Nightly Telephone Calls (PTR)</i>	<i>Index #30</i>
05/10/2019	Order Issued (Judicial Officer: Derby, Mark S) <i>see order #33</i>	
01/29/2019	Motion for Contempt Party: Attorney Cote, Tracey G., ESQ <i>PTR</i>	<i>Index #31</i>
03/10/2019	Order Issued (Judicial Officer: Derby, Mark S) <i>see order #35</i>	
02/07/2019	Motion Party: Guardian ad Litem Sternenberg, Kathleen A. <i>for Instruction</i>	<i>Index #32</i>
02/15/2019	Granted in Part (Judicial Officer: DalPra, Bruce F)	
02/08/2019	Motion Party: Attorney Cote, Tracey G., ESQ; Petitioner Campbell, David <i>to Strike RSP's Motion for Reconsideration as Untimely - PTR</i>	<i>Index #33</i>
02/15/2019	Denied (Judicial Officer: DalPra, Bruce F)	
03/01/2019	Motion to Exceed Fees Party: Guardian ad Litem Sternenberg, Kathleen A. <i>GAL</i>	<i>Index #34</i>
03/12/2019	Granted (Judicial Officer: Introcaso, Julie A) <i>over the respondent's objection #36</i>	
03/01/2019	Motion Party: Guardian ad Litem Sternenberg, Kathleen A. <i>GAL - for instruction regarding GAL supplemental retainer payment by Robin Partello</i>	<i>Index #35</i>
03/12/2019	Order Issued (Judicial Officer: Introcaso, Julie A) <i>Legal fees/GAL fees to be paid in CASH, by money order or bank check ONLY. So ordered</i>	
03/04/2019	Obj-Motion to Exceed Fees Party: Respondent Partello, Robin <i>Robin Partello</i>	<i>Index #36</i>
03/04/2019	Objection Party: Respondent Partello, Robin <i>Robin Partello -to GAL's Motion for Instruction</i>	<i>Index #37</i>
03/15/2019	Motion to Continue Party: Attorney Cote, Tracey G., ESQ <i>March 19, 2019 Status Conference and Motion to Clarify Subject of Hearing - Atty Cote for David Campbell</i>	<i>Index #38</i>

9TH CIRCUIT - FAMILY DIVISION - NASHUA
CASE SUMMARY
CASE NO. 659-2019-DM-00702

03/15/2019	Granted (Judicial Officer: Introcaso, Julie A) <i>see narrative order</i>	
03/15/2019	Order Issued (Judicial Officer: Introcaso, Julie A)	
03/19/2019	CANCELED Status Conference <i>GAL may appear telephonically</i>	
03/27/2019	Assent Party: Guardian ad Litem Sternenberg, Kathleen A. <i>Partially assented to motion to extend time to file final Guardian ad Litem report-Attorney Sternberg</i>	Index #39
04/08/2019	Granted (Judicial Officer: Derby, Mark S) <i>"Preser A."</i>	
04/05/2019	Objection Party: Respondent Partello, Robin <i>(rsp) to GAL's motion to extend time</i>	Index #40
04/05/2019	Motion Party: Respondent Partello, Robin <i>(rsp) to remove Kathleen Sternenberg as GAL</i>	Index #41
04/26/2019	Denied (Judicial Officer: Derby, Mark S)	
04/26/2019	Order Issued (Judicial Officer: Derby, Mark S) <i>see #47</i>	
04/11/2019	CANCELED Final Hearing <i>Day 1 of 2</i>	
04/12/2019	CANCELED Final Hearing <i>Day 2 of 2</i>	
04/16/2019	Objection Party: Attorney Mangunaro, Jeffrey Leo, ESQ <i>PST</i>	Index #42
04/22/2019	Motion for Contempt Party: Attorney Mangunaro, Jeffrey Leo, ESQ <i>PTR Motion for Contempt and to Compel Compliance with orders governing communication between the parties and the Parenting Plan-Attorney Mangunaro</i>	Index #43
05/10/2019	Order Issued (Judicial Officer: Derby, Mark S) <i>See order #53</i>	
05/31/2019	Denied (Judicial Officer: Derby, Mark S) <i>as must see doc. #65</i>	
04/26/2019	Motion Party: Attorney Mangunaro, Jeffrey Leo, ESQ <i>for the psychological examination of the respondent</i>	Index #44
05/10/2019	Order Issued (Judicial Officer: Derby, Mark S) <i>see order #55</i>	
04/26/2019	Motion to Set	Index #45

9TH CIRCUIT - FAMILY DIVISION - NASHUA
CASE SUMMARY
CASE NO. 659-2018-DM-00702

Party: Attorney Mangano, Jeffrey, Leo, ESQ

05/10/2019	Denied (Judicial Officer: Derby, Mark S) <i>see order #35</i>	
04/26/2019	Motion Party: Attorney Mangano, Jeffrey Leo, ESQ <i>to enjoin respondent's communication to unnecessary third parties</i>	Index #46
05/10/2019	Order Issued (Judicial Officer: Derby, Mark S) <i>see order #35</i>	
05/31/2019	Denied (Judicial Officer: Derby, Mark S) <i>in accord with doc. #63</i>	
04/26/2019	Order (Judicial Officer: Derby, Mark S) <i>on #41</i>	Index #47
05/01/2019	Guardian Ad Litem Report Party: Guardian ad Litem Siemsenburg, Kathleen A.	Index #48
05/02/2019	Objection Party: Respondent Partello, Robin <i>for Contempt and to Compel Compliance with Orders Governing Communication Between the Parties and the Parenting Plan</i>	Index #49
05/06/2019	Motion to Continue <i>5/22 & 5/24/19 Final Hrg - PTR</i>	Index #50
05/06/2019	Objection <i>to Psych Eval - RSP</i>	Index #51
05/06/2019	Obj-Motion to Seal Party: Respondent Partello, Robin <i>RSP</i>	Index #52
05/06/2019	Objection Party: Respondent Partello, Robin <i>to Motion to Enjoin - RSP</i>	Index #53
05/09/2019	CIP Certificate - Respondent	Index #54
05/10/2019	Order (Judicial Officer: Derby, Mark S) <i>On Pending Motions</i>	Index #55
05/14/2019	Motion Party: Respondent Partello, Robin <i>(rsp) partially assent to motion to continue</i>	Index #56
05/14/2019	Motion Party: Respondent Partello, Robin <i>to transfer venue to Derry Family Division</i>	Index #57
05/31/2019	Denied (Judicial Officer: Derby, Mark S) <i>see order doc. #63</i>	
05/14/2019	Other Party: Petitioner Campbell, David <i>(ptr) Petitioner's reply to Respondent's May 6, 2019 objection</i>	Index #58

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9TH CIRCUIT - FAMILY DIVISION - NASHUA

CASE SUMMARY

CASE No. 659-2018-DM-00702

05/20/2019	Motion to Reconsider Party: Attorney Mangano, Jeffrey Leo, ESQ <i>(ptr) Denial of motion to continue final hearing</i>	Index #59
05/20/2019	Motion to Reconsider Party: Petitioner Campbell, David <i>(ptr) Denial of motion for psychological examination of respondent</i>	Index #60
05/20/2019	Order (Judicial Officer: Derby, Mark S) <i>Further Order on Continuance (#50)</i>	Index #61
05/20/2019	Order Issued	
05/20/2019	Motion to Exceed Fees Party: Guardian ad Litem Starnenberg, Kathleen A. <i>GAL's 2nd Motion to Exceed Fee Cap.</i>	Index #63
05/31/2019	Granted (Judicial Officer: Derby, Mark S) <i>see order doc. #65</i>	
05/22/2019	CANCELED Final Hearing	
05/24/2019	CANCELED Final Hearing	
05/24/2019	Status Conference (Judicial Officer: Derby, Mark S) <i>and Motion Hearing</i>	
05/24/2019	Order (Judicial Officer: Derby, Mark S) <i>On Pending Motions</i>	Index #62
05/24/2019	Order Issued	
05/24/2019	Objection Party: Petitioner Campbell, David <i>PTR's Objection to RSP's Motion to Transfer to Derry Family.</i>	Index #64
05/31/2019	Order (Judicial Officer: Derby, Mark S) <i>on pending motions (#43, #46 (prayer B), #57, #63)</i>	Index #65
06/03/2019	Objection <i>to Court's Ordered Psych Evaluation.</i>	Index #66
06/10/2019	Objection <i>Motion for Contempt and to Enforce Routine Schedule of Parenting Time. Motion for Contempt addressed in Order of 3/10 and 3/31, no pending Motion for Contempt.</i>	Index #67
06/10/2019	Objection <i>to Motion for Contempt and to Enforce Nightly Phone Calls. Motion for Contempt addressed in Order of 3/10 and 3/31, no pending Motion for Contempt.</i>	Index #68
06/12/2019	Objection Party: Petitioner Campbell, David <i>(ptr) to respondent's June 7, 2019 objection to Court ordered Psych Evaluation</i>	Index #69
06/17/2019	Order (Judicial Officer: Derby, Mark S) <i>on pending motions (#30, #31 and #66)</i>	Index #70
06/17/2019	Order Issued (Judicial Officer: Derby, Mark S)	

9TH CIRCUIT - FAMILY DIVISION - NASHUA
CASE SUMMARY
CASE No. 639-2018-DM-00702

07/01/2019	Motion to Reconsider Party: Respondent Partello, Robin and Clarify (RSP)	Index #71
07/12/2019	Denied (Judicial Officer: Derby, Mark S)	
07/10/2019	Obj to Motion to Reconsider Party: Petitioner Campbell, David (ptr) and clarify	Index #72
07/26/2019	Motion for Contempt Party: Respondent Partello, Robin rsp	Index #73
08/14/2019	Denied (Judicial Officer: Derby, Mark S)	
08/05/2019	Objection to Motion for Contempt-Attorney Treacy Goyette Cote for David Campbell	Index #74
08/05/2019	Motion to Exceed Fees Party: Guardian ad Litem Sternenberg, Kathleen A. GAL	Index #75
08/30/2019	Granted (Judicial Officer: Derby, Mark S)	
08/05/2019	Motion Party: Guardian ad Litem Sternenberg, Kathleen A. Seeking Court Instruction that the GAL be copied on all filing-GAL	Index #76
08/30/2019	Granted (Judicial Officer: Derby, Mark S)	
08/05/2019	Motion Party: Guardian ad Litem Sternenberg, Kathleen A. for further instruction regarding court ordered forensic psychological evaluation	Index #77
08/30/2019	Order Issued (Judicial Officer: Derby, Mark S) Mfs. Partello shall act with all deliberation agreed so that the psychological evaluation can be completed by October 1, 2019. Failure to comply immediately may result in findings of contempt and/or default status. Mfs. Partello shall file a report on the status of her compliance, i.e., date and number of appointments/assessments attended and scheduled on or before September 16, 2019.	
08/13/2019	Other response to OBJ to Motion for Contempt-Robin Partello	Index #78
08/13/2019	Objection Party: Respondent Partello, Robin to GAL's request to exceed fee cap-Robin Partello	Index #79
08/30/2019	Motion to Compel Party: Guardian ad Litem Sternenberg, Kathleen A. Payment of GAL and request to Schedule Show Cause-Attorney Kathleen Sternenberg	Index #80
09/11/2019	Order Issued (Judicial Officer: Derby, Mark S) "No timely written objection having been filed and it appearing appropriate, clerk will schedule 30 minute show cause hearing on GAL fees	
09/16/2019	Motion	Index #81

9TH CIRCUIT - FAMILY DIVISION - NASEVA
CASE SUMMARY
CASE NO. 659-2018-DM-00702

	Party: Respondent Partello, Robin (rsp) to inform the court	
09/17/2019	Motion Party: Respondent Partello, Robin (rsp) Second motion to inform the court	Index #82
09/23/2019	Motion to Continue Party: Attorney Mangano, Jeffrey Lee, ESQ October 7, 2019 Show Cause Hearing-Attorney Mangano for David Campbell	Index #83
09/23/2019	Assent Party: Attorney Mangano, Jeffrey Lee, ESQ Petitioner's Partially Assented-to Motion to Continue October 25 and 30 Trial Dates-Attorney Mangano for David Campbell	Index #84
10/07/2019	Granted (Judicial Officer: Derby, Mark S) Ms. Partello assented entered in Court. 10/25 and 10/30 dates will not be released until further order of the Court.	
10/04/2019	Motion to Withdraw Party: Petitioner Campbell, David (ptr) motion to continue 10/7/19 hearing	Index #85
10/07/2019	Show Cause Hearing (Judicial Officer: Introcasa, Julie A)	
10/07/2019	Order (Judicial Officer: Derby, Mark S)	Index #86
10/07/2019	Order Issued (Judicial Officer: Derby, Mark S)	
10/17/2019	Motion for Clarification Party: Respondent Partello, Robin Robin Partello	Index #87
10/18/2019	Motion for Conditional Default Party: Petitioner Campbell, David	Index #88
10/21/2019	Assent Party: Guardian ad Litem Sternberg, Kathleen A. GAL's Assent to PTR's Motion for Conditional Default and Request for Final Hearing.	Index #89
10/21/2019	Motion to Exceed Fees Party: Guardian ad Litem Sternberg, Kathleen A. GAL's Fourth Motion to Exceed Fee Cap.	Index #90
10/21/2019	Invoice GAL's Invoice (kept in confidential red folder).	Index #91
10/23/2019	CANCELED Final Hearing DAY 1 OF 2	
10/23/2019	Obj to Motion to Clarify Party: Petitioner Campbell, David ptr	Index #92
10/28/2019	Obj to Mot for Conditional Default Party: Respondent Partello, Robin	Index #93
10/29/2019	Other	Index #94

9TH CIRCUIT - FAMILY DIVISION - NABHU

CASE SUMMARY**CASE No. 639-2018-DM-00702**

Party: Guardian ad Litem Sternsberg, Kathleen A.

*The Guardian Ad Litem's Reply to Robin Portello's Motion for Clarification*10/30/2019 Final Hearing (Judicial Officer: Derby, Mark S)
DAY 2 OF 2

TARGET DATE	TIME STANDARDS
11/01/2019	Obj - Motion to Exceed Fee

DATE	FINANCIAL INFORMATION
	Petitioner Campbell, David Total Charges 277.00 Total Payments and Credits 277.00 Balance Due as of 10/30/2019 0.00 Respondent Portello, Robin Total Charges 12.00 Total Payments and Credits 12.00 Balance Due as of 10/30/2019 0.00

EXHIBIT 2

Judge 1.
2/8/2021

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY

**PLAINTIFF'S
EXHIBIT**

2

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Enclosed please find a copy of the Court's Order dated October 24, 2018 relative to:

**Interim Order
Order on Appointment of Guardian ad litem**

DalPra, MM / Introcaso, J.

October 25, 2018

Sherry L. Bisson
Clerk of Court

(579)

C: Jeffrey Leo Manganaro, ESQ; Robin Partello; Kathleen A. Stemenberg

THE STATE OF NEW HAMPSHIRE**JUDICIAL BRANCH**

Ninth Circuit-Family Division-Nashua

Docket No. 659-2018-DM-00702

In the Matter of: David Campbell and Robin Partello

INTERIM ORDER

This matter came before the court with regard to Petitioner's motion for ex parte orders. He had counsel. Respondent was self-represented. The parties are parents of a four year old son. The evidence disclosed that the child apparently told a paternal aunt that his rectum hurt. Upon examination, the aunt began to interrogate the child. The child made some disclosures that someone had inserted a pen in his butt. The aunt informed Petitioner, who was away for the weekend, when he returned home. He also began questioning the child, naming names for the child to consider. Petitioner informed Respondent who took the child for a medical examination. The child was referred for further examination. The child made a similar disclosure, naming Petitioner as the alleged perpetrator. He then almost immediately recanted; shortly after, he named his father again. The physical examination did not reveal any evidence of abuse.

The medical provider reported the disclosure to DCYF. Derry police also became involved. The child submitted to a CAC interview and made no disclosures. Throughout all the interviews the child was subjected to (aunt; father; medical personnel; and the CAC interview) the child made references to a swamp creature; am friend and his father who may have allegedly inserted an object "in his butt".

The court finds no credible evidence at this time that anyone has abused the child. The court finds that Petitioner's sister and Petitioner's interrogation of the child was certainly not in the child's best interests. Respondent has not allowed any contact between the Petitioner and child for a few weeks. The Petitioner also has not seen the child for nearly a month. The evidence does not support continued non-contact. The evidence does suggest that the child should participate in counseling. The court shall also require the assistance of a guardian ad litem to represent the child's interests.

RECOMMENDED:

1. The parties are awarded joint decision-making responsibility for the minor child.
2. Petitioner shall have parenting time each Wednesday from 4:00 pm to 7:30 pm; alternate weekends from Friday at 4:00 pm to Sunday at 7:00 pm. Petitioner shall provide all transportation. Respondent shall have parenting time at all other times not otherwise reserved for the Petitioner.
3. The parties shall agree upon an equitable holiday parenting schedule.
4. Kathleen Stemenberg is appointed Guardian ad Litem to represent the interests of the minor child. See accompanying GAL Order.

5. The child shall immediately be enrolled in counseling with James Foster, unless the parties agree upon another counselor.
6. Neither Petitioner, Respondent or any other family member or friend shall question the child with regard to the incidents described in the Petitioner's motion. That is the area for the counselor and GAL to explore if deemed in the child's best interests.
7. The Clerk shall schedule a further temporary hearing and scheduling conference in 60 days as the docket permits.

Date

10/24/18

Bruce F. DalPra, Master

I hereby certify that I have read the recommendation and agree that, to the extent that the marital master has made factual findings, he has applied the correct legal standard to the facts determined by the marital master.

So ordered:

Date

10/24/18

Judge

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: Ninth Circuit-Nashua

Case Name: David Campbell and Robin Partello

Case Number: 659-2016-DM-00702
(if known)

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

David Cambell

Petitioner's Name **D.O.B.**

10 East Dunstable Road

Street Address

Nashua, NH 03060

City, State, Zip

Robin Pantello

Respondent's Name _____ P.O.B. _____

97 East Broadway Apt. 7

Street Address:

Deriv. NH

City, State, Zip

Telephone

E-Mail Address

Telephone

E-Mail Address:

The following order shall be entered:

1. The attached Standing Order Relative to Guardian *ad Litem* Appointment (hereinafter referred to as the "Standing Order") is made a part of this order.

2. Name: Kathleen Stemenberg Telephone: 601-1048

Address: PO Box 2288 Concord, NH 03302

is appointed Guardian *ad Litem* of the child(ren):

D.O.B.

D.O.B.

D.O.B.

*** If you are not currently a board certified GAL you must notify the Court immediately and this order will be vacated. If at any time during appointment your certification lapses, you must notify the Court immediately and file a motion to withdraw.**

3. The Guardian ad Litem shall investigate the following issues and make recommendations to the court thereon:

- ☐ **Decision-making responsibilities**

- ## **X Residential responsibilities**

- X Parenting time**

Special needs of the child(ren) (specify):

- X Counseling for family/individual counseling for ☐ Petitioner ☐ Respondent ☐ child(ren)

- ☐ Psychological evaluations of ☐ Petitioner ☐ Respondent ☐ child(ren)

- X** Parenting skills of ☐ Petitioner ☐ Respondent ☐ both parties

- ☐ Appropriateness of the home environment of ☐ Petitioner ☐ Respondent ☐ both parties

Case Name: Error Reference source not found.

Case Number: Error Reference source not found.

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

- ☐ Substance abuse: ☐ alcohol ☐ drugs ☐ both ☐ other _____
- ☐ Violence, physical abuse, emotional abuse
- ☐ Sexual abuse of _____
- ☐ Supervision of parenting time
- ☐ Rights of grandparents to visit
- ☐ Influence of companions of either party on child(ren)
- ☐ Maturity of child(ren) stating a preference
- ☐ Travel arrangements
- ☐ Time, place and manner of exchange for parenting time
- X Assessment of bond between child and each parent and/or between siblings
- X Other issues which the GAL deems relevant based upon the investigation
- X Other (specify):
What is the basis for the child's disclosures; monitor the child's progress in counseling.

4. The Court sets the maximum fee in this case at \$ \$3,500.00. The fee may only be exceeded with prior approval of the Court and notice to all parties. Payment of the costs and fees of the Guardian ad Litem shall be made as follows:

A. Percentage of payment:

- X The Petitioner shall pay 65% of the Guardian ad Litem fees.
- X The Respondent shall pay 35% of the Guardian ad Litem fees.

B. Payment Orders:

- ☐ Unless otherwise agreed with the Guardian ad Litem, the Guardian ad Litem's hourly rate shall be no more than \$ _____. All parties must cooperate with the Guardian ad Litem's reasonable requests for payment.
- X Unless otherwise agreed with the Guardian ad Litem, a retainer of \$2,500.00 shall be paid to the Guardian ad Litem by no later than 11/29/2018 in the proportion set forth in the paragraph above. In the event any party's payment is not made in accordance with this Order, the other party or the GAL may request a hearing. The party not in compliance with this Order may be required to appear at the hearing, prepared to show cause why s/he should not be held in contempt of court. Unless otherwise ordered, the Guardian ad Litem is not required to commence an investigation until the retainer is paid in full.
- ☐ Other Payment Orders: _____

5. Other provisions:

Clerk shall be scheduling a further temporary hearing.

6. Guardian ad Litem Stipulations to be filed by: 12/19/2018

7. Preliminary Report to be filed by: 02/28/2019

Case Name: Error Reference source not found.

Case Number: Error Reference source not found.

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (On ors/Parenting)

8. Final Report to be filed by: TBD

Recommended:

10/24/2018

Date

Signature of Marital Master

Bruce F. DePra

Printed Name of Marital Master

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date

Signature of Judge

Printed Name of Judge

STANDING ORDER RELATIVE TO GUARDIAN AD LITEM APPOINTMENT

This order applies to all Guardian *ad Litem* appointments unless its terms are altered by an order entered in a specific case. Any changes in the order or the stipulations must be in writing and filed with the court.

1. GUARDIAN AD LITEM STIPULATION:

In every case in which a Guardian *ad Litem* is appointed, the parties and the Guardian shall file a stipulation as to the following issues:

- a. Expenses for which the Guardian *ad Litem* will be reimbursed;
- b. Guardian *ad Litem* hourly billing rate and the maximum fee established by the court in this case;
- c. Frequency of billing, terms of payment, and payment of retainer;
- d. The names of the individuals requested to be interviewed by the Guardian *ad Litem*, including names, addresses, telephone numbers and relationship to party or child, listed in order of importance. The Guardian *ad Litem* shall have the discretion to decide which individuals to interview;
- e. Manner in which the Guardian *ad Litem* will communicate with each party's references (e.g., office conference, telephone call, letter);
- f. Action(s) the Guardian *ad Litem* will take if unable to contact a reference;
- g. Whether the Guardian *ad Litem* will visit each party's home;
- h. Whether conversations between the Guardian *ad Litem* and the children will be confidential;
- i. Other orders necessary to protect confidentiality; and
- j. Dates by which parties will execute authorizations for reports. Specify records to be requested.

If this stipulation is not filed by the date set forth in the Order on Appointment of Guardian *ad Litem*, the court shall schedule an immediate enforcement hearing at the request of the Guardian *ad Litem* or either party.

2. GUARDIAN AD LITEM FEES:

Case Name: Error Reference source not found.

Case Number: Error Reference source not found.

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

- a. The Guardian ad Litem shall be compensated at the rate of \$_____ per hour. The maximum fee set by the court (including costs) shall not exceed \$_____ for this case, and shall include attendance at hearings.
- b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.
- c. The maximum fee shall not be exceeded without prior approval of the court after hearing with the parties and the Guardian ad Litem present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.
- d. When the parties are paying the cost of the GAL, the \$_____ per hour rate and the maximum fee set by the court may be waived upon written agreement of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties.
- e. If counseling, therapy or evaluations are recommended by the GAL, no expenses for those may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders upon motion of either party, or sua sponte, to authorize specific additional services with appropriate limits on payment.

3. COMMENCEMENT, SUSPENSION AND RESUMPTION OF WORK:

The Guardian ad Litem shall commence an investigation on receipt of the Order of Appointment and, unless otherwise ordered, on receipt of payment of the retainer in full, and shall diligently investigate the case, and prepare a report. If the parties agree to suspend the investigation and preparation of a report for any reason, they shall immediately seek the assent of the Guardian ad Litem to such suspension and file with the Court a written agreement to suspend the Guardian ad Litem's work. This agreement shall be signed by all parties, including the Guardian ad Litem who shall suspend work on the case on receipt of notice that the Court has approved the agreement.

A party desiring that the Guardian ad Litem resume work on the case shall immediately file an appropriate motion and shall send a copy of the motion to the Guardian ad Litem who shall resume work in that case only on receipt of the court's notice that the motion has been granted.

4. PLEADINGS AND STIPULATIONS:

Each party shall certify on every pleading that s/he has mailed or delivered a copy of the pleading to the Guardian ad Litem.

The parties may agree on any issue concerning the child(ren) or incapacitated adult, and shall certify that s/he has mailed or delivered a copy of the written agreement to the Guardian ad Litem. The Guardian ad Litem may sign the agreement or file an objection, if appropriate, within ten days from the date of mailing or delivery.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT



9th CIRCUIT - FAMILY DIVISION - NASHUA

CASE NO: 659-2018-DM-00702

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELO

MOTION FOR INSTRUCTION

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court instruct her as to how to proceed with her court appointed investigation and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED], DOB [REDACTED].
2. In a temporary hearing order, the Court ordered the GAL to file her report by March 29, 2019. The GAL requires assistance from this Court as she has been unable to continue with her investigation.
3. The Guardian ad Litem has repeatedly tried to arrange for a home visit with Robin Partello and [REDACTED]. The GAL sent emails on 1/9/2019, 1/18/2019, 1/21/2019, 1/24/2019, 1/25/2019 and 1/27/2019, 1/28/2019 and 1/30/2019. Ms. Partello indicated that she was free the week of January 28, 29, 30, 31. The GAL proposed a visit on Wednesday, January 30, 2019 at 11:30 am, but she did not hear back to confirm this date and time and no visit was made.
4. The Guardian ad Litem also requested that the parties replenish their retainer as the original retainer was expended. David Campbell has provided a second retainer of \$650, but Robin Partello has not paid the \$350 retainer she owes.
5. The GAL requires Ms. Partello's cooperation in order to complete her investigation.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Order Robin Partello to cooperate with the GAL to schedule a home visit with [REDACTED] and herself at her residence within 7 days of this Court's order; and
- B. Order Robin Partello to pay the GAL the second retainer amount of \$350 within 7 days of this Court's order; and
- C. Grant such other relief as may be fair and just.

Respectfully submitted,

Dated: February 5, 2019

Kathleen A. Sternenberg
Kathleen A. Sternenberg, Esq., NHB#8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cole, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.

Kathleen A. Sternenberg
Kathleen A. Sternenberg

MASTER RECOMMENDS:

2/15/19
Date

Bruce P. DiPre, Master

*At Bare granted.
Respondent shall fully cooperate
with the G.A.L. Failure to do so
may result in sanctions and
may be taken into consideration
regarding the issuance of
a final Parenting Plan.*

So Ordered.

I hereby certify that I have read the recommended decision and agree that to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts as determined by the marital master/judicial referee/hearing officer.

2/15/19
Date

Signature of Judge

Julia A. Introcaso

DEPOSITION EXHIBIT

INTROCASO

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STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

<http://www.courts.state.nh.us>

9th Circuit – Family Division - Nashua

In the Matter of: David Campbell and Robin Partello

Docket No.: 659-2018-DM-00702

OBJECTION TO GAL'S MOTION FOR INSTRUCTION

IN PLAIN COURT
OF NEW HAMPSHIRE

2019 MAR -4 P 2:11

PLAINTIFF'S
EXHIBIT

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4

NOW COMES Robin Partello, Respondent in the above-captioned matter, and submits the following Motion and states the following:

1. On February 21, 2019 The Court ordered that Robin Partello pay the GAL \$350 within seven days.
2. On Tuesday, February 26, 2019, Robin Partello sent Kathleen Sternenberg the \$350 via Apple Pay. (see exhibit A)
3. Apple Pay is the most secure way to send funds to a person who has an Apple phone. The funds are treated as cash and once the funds are sent, they are immediately available as cash to the recipient and the transaction can not be reversed. (see exhibit B)
4. Kathleen was notified by Apple Pay that the funds were sent to her. Kathleen then texted Robin and said "I do not accept Apple Pay".
5. Robin was confused as it is the most commonly used way to send money so that the recipient has the cash immediately.
6. Kathleen informed Robin that she would rather a money order. Robin informed her it is not safe to mail a money order because it's treated as cash and the banks do not advise that they get mailed. Kathleen said to put tracking on it.

7. Robin was at a loss because she wanted to comply with the court order. Robin sent the money exactly as the Court ordered within the time frame provided by the Court.
8. Kathleen informed Robin to drop off cash or a money order to the NH Bar Association as Kathleen does not have an office. Robin informed her the NH Bar Association wouldn't sign as a witness last time she was there meeting Kathleen and told Robin that they do not work for Kathleen or get involved in any matter not involving the NH Bar.
9. Robin does not have checks but if Kathleen would like, Robin can give her parents \$350 and have them mail Kathleen a check.
10. Robin's bank statement shows that on February 27, 2019 the \$350 Apple Pay payment was withdrawn from her account. Kathleen currently has the \$350. She can also just use that money and deposit it into her IOLTA. That is probably the easiest course of action to remedy this problem.
11. Kathleen's statement in her motion to the Court that Robin has refused to send a check or money order is a completely false statement. At the time she filed the motion, Kathleen had been notified by Apple Pay that the funds were available to her.
12. To choose circus over solution and create a problem when one does not exist is problematic. The funds were and are available. If Kathleen insists on refusing to take that form of payment, Robin requests that Kathleen reimburse her the \$350 Apple payment and Robin will have her parents send a check.

WHEREFORE: Robin Partello respectfully requests that this Honorable Court provide the following relief:

- A. Order that Kathleen Sternenberg use the Apple pay funds and deposit it into her IOLTA or return the \$350 Apple pay funds to Robin;
- B. Order that if the funds are returned, Robin shall immediately mail a check;
- C. Order that the GAL correct her pleadings regarding the blatant falsehood of the statement that Robin refused to cooperate with the Court's order;
- D. Order that the GAL is removed from this case;
- E. Provide any other relief which this court deems fair and equitable.

Respectfully submitted,

Date: March 4, 2019

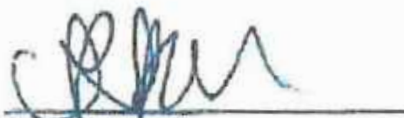


Robin A. Partello
97 East Broadway Unit 7
Derry, NH 03038
(603) 417-9003

CERTIFICATION OF COMPLIANCE

I hereby certify that one copy of Motion was mailed this date to counsel for David Campbell

Date: March 4, 2019



Robin A. Partello

EXA

T-Mobile

1:15 PM

< 46

KS

Kathleen >

iMessage
Tuesday 9:08 AM



Read

Tuesday 2:26 PM

I do not accept Apple Pay.



iMessage



00198

EX: B

(\$350.00)

Feb 27

Auth. Date Feb 27

Description **APPLE PAY - SENT MONEY**
 877-233-8552 CA >

Original Desc **APPLE PAY - SENT MONEY**
 877-233-8552 CA

Category **Other Expenses** >

Details **DEBIT CARD PURCHASE**

Dispute Transaction

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY



Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Please be advised that on February 15, 2019 the Court made the following Order relative to:

Motion for Instruction; A and B are granted. Respondent shall fully cooperate with the GAL. Failure to do so may result in sanctions and may be taken into consideration regarding the issuance of a final Parenting Plan.

(MM. DalPra/J. Introcaso)

February 21, 2019

Sherry L. Bisson
Clerk of Court

(948)

C: Robin Partello; Kathleen A. Sternenberg; Tracey G. Cote, ESQ

Introcaso 167

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT



9th CIRCUIT - FAMILY DIVISION - NASHUA

2019 MAR -1 A 11:12

CASE NO: 659-2018-DM-00702

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

MOTION TO EXCEED FEE CAP

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue allow the Guardian ad Litem to exceed the fee cap by an additional \$1,000 and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED], DOB [REDACTED].
2. This matter has involved allegations of inappropriate contact with the child and a police investigation and DCYF investigation.
3. The GAL has filed multiple pleadings, prepared for and attended hearings, and has received and replied to ongoing daily email exchanges, phone calls, arranged and attended in person meetings, home visits at both homes, had multiple contacts with the child's school, pediatricians, therapist; and has received police, DCYF and medical records and met with police and had contacts with DCYF.
4. The GAL has used the initial retainer and supplemental retainer¹ as of her billing this week.
5. The GAL anticipates that within a month, she will need to write and file a comprehensive report and to testify at the upcoming contested hearing.
6. The GAL has informed both parties of her intent to file this motion.
7. David Campbell has assented to this motion.
8. Robin Partello objects to this motion.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Allow the GAL's motion to exceed the fee cap in the amount of \$1,000 and order

¹The GAL has not received Robin Partello's portion of the supplemental retainer as of this writing.

ORIGINAL

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the parties to pay the GAL the additional percentage of the retainer within fourteen days of this order; and

B. Grant such other relief as may be fair and just.

Respectfully submitted,

Dated: February 28, 2019



Kathleen A. Sternenberg, Esq., NHB#8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.


Kathleen A. Sternenberg

ORIGINAL



STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

2019 MAR -4 P 2 11
COURT
NASHUA

9th Circuit – Family Division - Nashua

In the Matter of: David Campbell and Robin Partello
Docket No.: 659-2018-DM-00702



OBJECTION TO GAL'S MOTION TO EXCEED FEE CAP

NOW COMES Robin Partello, Respondent in the above-captioned matter, and submits the following Motion and states the following:

1. The Guardian ad Litem has acted improperly in this matter. On several occasions, she has overstepped her boundaries as ordered by this Court.
2. Prior to her date of appointment as GAL, Kathleen had several phone conversations with David and his counsel. Kathleen then called the child's therapist and informed the therapist that he needs to conduct counseling with David because he has 50/50 parenting rights and that is how counseling works best. (See exhibit A)
3. The counselor was taken aback by this, as was Robin. Kathleen confused her role as a Guardian ad Litem with that of a Guardian. As a GAL, Kathleen is to observe and investigate and report to the Court. Kathleen is without authority to instruct a therapist on how she wants the counseling handled.
4. This demand also shows bias on Kathleen's part as she is the child's advocate and not an advocate for David Campbell.
5. When Kathleen met with Robin, Kathleen said "you're not really employed by Northeast Rehab" as a nurse. Robin informed Kathleen that she was employed by

JAD00168

Northeast Rehab Hospital in the home care division. Robin informed her that homecare is a field of nursing and the patients have a nurse go to their home.

6. Kathleen asked Robin who her patients were- to which Robin informed her that she took care of an elderly husband and wife in their home. Kathleen asked where they lived. Robin said she's not supposed to release any personal details. Kathleen demanded to know. Robin told her the city and state of her patient's homes. Kathleen then demanded to know the names of Robin's patients. Robin instructed Kathleen that as a nurse, the names of her patients are private and part of the Health Insurance Portability and Accountability Act (HIPAA). Kathleen told Robin that she did not have a choice and had to tell Kathleen the patient's names. This is a clear violation of federal law that Kathleen demanded. It is unconscionable for a GAL to put a Mother in a position to decide between violating HIPAA or potentially hurting an investigation regarding her four-year-old son. *see exhibit B*

7. Kathleen informed Robin during the first visit that she (Kathleen) had never talked to David. Robin asked how Kathleen would know that David didn't think the Wednesday schedule is working and Kathleen said "I read his motions". After demanding an invoice of services, Robin saw that Kathleen had in fact talked to David prior to that meeting and had lied to Robin.
8. Further, Robin emailed Kathleen about scheduling a home visit. Kathleen immediately responded and said "I just drafted a motion but it's already in the mail". The next day, Kathleen filed a motion with the Court stating that Robin was ignoring her and failed to respond about a home visit. Kathleen was dishonest

with the Court when she said the first time that Robin was refusing to comply with the GAL. Kathleen did complete the home visit at Robin's house and stayed for an hour and a half. *See exhibit C*

9. Kathleen filed a second motion for instruction regarding the \$350 retainer. Robin sent the retainer via Apple Pay and the funds were withdrawn from her account. Two days later, Kathleen filed a second motion with the Court that Robin was refusing to comply. Kathleen apparently doesn't accept electronic payments that are the equivalent as cash. Kathleen wants cash or money orders.
10. Kathleen sent Robin a list of questions that she attached to her motion. These questions were drafted by David but sent to Robin by Kathleen.
11. It is clear from her behavior and actions that Kathleen is not able to stay neutral and conduct an unbiased investigation.
12. For example, the day that the home visit was scheduled with Robin, the minor had a 102 degree temperature and was not feeling well. Robin called Kathleen to tell her and ask if she could schedule something for the following day to give the minor child a chance to get better. Kathleen said she was not available but scheduled it a couple of days later. *See exhibit D*
13. Robin immediately received an email from Kathleen stating that she wanted to confirm that Robin had canceled the home visit because Robin said her son was sick. Kathleen cc'ed David and his attorney. Robin replied and confirmed that she did cancel and that her son is her priority. Robin also informed Kathleen that she found it odd that Kathleen did not once say "I hope [REDACTED] is feeling better".

14. Further, during the initial meeting Kathleen stated to Robin "even if Dave did something inappropriate to your son, so what? What are you going to do about it? You'll never be able to prove it". Robin found that troubling.

15. Kathleen does not provide invoices on a regular basis. Robin had to ask several times to get an invoice. Robin's concern was that there was no way to know how much they had and how to budget. Kathleen just randomly emailed and said I need for you to replenish the retainer. Dave then responded to her immediately and said thHey Kay, I pay 65% and Robin pays 35%. Kathleen forwarded that email to me and it struck me as odd that David started the email with "thHey Kay". Nicknames are what friends use. *See exhibit E*

16. Now, Kathleen is requesting to exceed the initial retainer and again, I do not have a current invoice despite asking for one.

17. Kathleen is not able to conduct an unbiased investigation and she needs to be removed from this matter.

WHEREFORE: Robin Partello respectfully requests that this Honorable Court provide the following relief:

- A. Deny the GAL's motion;
- B. Order that the GAL is removed from this matter;
- C. Provide any other relief which this court deems fair and equitable.

Respectfully submitted,

Date: March 4, 2019




Robin A. Partello
97 East Broadway Unit 7
Derry, NH 03038
(603) 417-9003

CERTIFICATION OF COMPLIANCE

I hereby certify that one copy of Motion was mailed this date to counsel for David Campbell

Date: March 4, 2019



Robin A. Partello

Exhibit A

Law Office of Kathleen Sternberg
P.O. Box 2288
Concord, NH 03302-2288

Invoice submitted to:
David Campbell
10 East Dunstable Road
Nashua, NH 03060

January 09, 2019

Invoice # 19719

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
10/29/2018 Receive and review court order on appointment	0.20 120.00/hr	24.00
11/2/2018 Phone call with Tracey Cote	0.20 120.00/hr	24.00
11/7/2018 Phone call with Tracey Cote; phone call James Foster, scan Mr. Campbell's info to Tracey Cote; prepare and mail paperwork to open GAL file	1.33 120.00/hr	160.00
11/9/2018 Receive and review email Attorney Cote regarding David's contact with counselor	0.10 120.00/hr	12.00
11/10/2018 Receive and review/print court order on weekend visit out of state from David's attorney	0.10 120.00/hr	12.00
11/12/2018 Receive and review/reply to Robin Partello; phone call Attorney Cote; letter to James Foster with order/releases	0.50 120.00/hr	60.00
11/15/2018 Phone call with James Foster	0.25 120.00/hr	30.00
11/16/2018 Receive and review Motion regarding holiday request for schedule expansion; phone call Tracey Cote regarding Brody's statement regarding mom's acquaintance	0.25 120.00/hr	30.00
11/21/2018 Receive and review court Order	0.10 120.00/hr	12.00
11/28/2018 Receive and review emails from Robin Partello	0.10 120.00/hr	12.00

David Campbell

Page

	<u>Hrs/Rate</u>	<u>Amount</u>
11/27/2018 Phone call David Campbell x 2	0.30 120.00/hr	36.00
11/28/2018 Receive and review copies of pleadings from Robin Partello	0.20 120.00/hr	24.00
11/30/2018 Brief meeting with Robin Partello to get retainer (cash) and paperwork	0.50 120.00/hr	60.00
12/2/2018 Follow up with Robin Partello regarding need for general release for police, DCYF, school and other collateral contacts and GAL's use of this general release in practice; scan and send general release to Ms. Partello via attachment to email with request that she sign the release so that the GAL can proceed.	0.20 120.00/hr	24.00
12/5/2018 Send e-mail follow up with parties; receive/review pleadings filed by David's counsel	0.25 120.00/hr	30.00
12/6/2018 Receive and review/reply Robin Partello's refusal to sign release	0.10 120.00/hr	12.00
12/7/2018 Meeting with David to collect information/documents questionnaires, etc. receive/review email Robin confirming Friday interview	0.50 120.00/hr	60.00
12/8/2018 Prepare/draft Motion to Approve with Selp, Appearance; Motion for Instruction and cover letter to court	1.00 120.00/hr	120.00
12/10/2018 Receive and review email Attorney Cois regarding David's contact with counselor	0.10 120.00/hr	12.00
Review documents to prepare for interviews; receive/review email David regarding Christmas planning, receive/review/print/file Nashua Pediatrics notes	1.50 120.00/hr	180.00
For professional services rendered	7.75	\$934.00
11/30/2018 Payment on Retainer - Robin Partello - Thank you.		(\$575.00)
12/12/2018 Payment - retainer - David Campbell - thank you.		(\$1,625.00)
Total payments and adjustments		(\$2,500.00)

Balance remaining\$ 1,566.00

cc: Robin Partello
 97 East Broadway Apt. 7
 Derry, NH 03038-2028

Exhibit B

LAW OFFICE OF KATHLEEN A. STERNENBERG

KATHLEEN A. STERNENBERG*

ALSO ADMITTED IN VT*

POST OFFICE BOX 2288

CONCORD, NEW HAMPSHIRE 03302

TELEPHONE 603-641-1048

kas@sternenberglaw.com

January 7, 2019

Robin Partello
97 East Broadway, Apt. 7
Derry, NH 03038-2028

Re: In the Matter of David Campbell and Robin Partello, Case Number 659-2013-DM-00702;
Emaydon Campbell, DOB 06/19/2014

Dear Ms. Partello:

I understand from your emails of Sunday, January 6, 2019 at 6:02 pm and 6:36 pm (see attached) that you intend to file a complaint against me for asking you for your employer's name when you feel that you should not have provided it as you are a licensed practical nurse and have a duty of confidentiality. I am sorry if this information was something you should not have disclosed as a licensed practical nurse for HIPAA reasons. It is information that is relevant to my investigation. As I told you, I have been a certified Guardian ad Litem in New Hampshire since 1993 and I have a process and procedure that I use in all of my GAL cases. It is my procedure to obtain information from all parties about their employment and to ask for and obtain the employer's contact information. In GAL cases, it is often relevant to know the work hours and history of work hours for a parent in order to investigate and make recommendations in the best interest of the child. As a certified GAL yourself, I believe you understand this.

It is my recollection that we first met on or about the end of November, 2018, at the New Hampshire Bar Association so that you could bring me cash for your portion of the retainer. At that time, you had not completed the paperwork I had requested and you sat with me in a conference room where I was working for a few minutes and went through the questionnaire in my presence. You told me that you worked as a private duty nurse and I asked you to tell me your employer's information. You told me that you worked at a residence in Andover, MA for a couple in their 80's. This is the extent of information you provided to me.

After this initial meeting, we met for a interview of about an hour and fifteen minutes. During this interview, you told me your employers' last name and that while you work in the home of your employer, you are paid through their business, Northeast Rehabilitation Hospital. It is not necessary for me to use the last name of your employer as I can use the Northeast Rehabilitation Hospital information. Out of concern for your position and license, I will redact any reference in my notes to a last name for the couple you care for and I will not use the name in any report I make to the court.

Please understand that I have not used this information for any purpose to date except to try to obtain information from you regarding your current work history. In your email you state that "any future communication with my employer needs to go through Human Resources." I have not contacted your employer to date. You further state "at this juncture, you are jeopardizing my employment. I do not believe I have done any such thing as I have not been in contact with your employer or human resources department." The only contact I have made is at your request. I sent a letter and GAL reference questionnaire to a woman you identified as your work supervisor. I have, at this time, not received a reply.

I hope that this will resolve your concerns about the confidentiality of your employer's personal information, namely their last name.

Sincerely,

A handwritten signature in dark ink, reading "Kathleen A. Sternberg". The signature is written in a cursive style with a large, stylized "K" and "S".

Kathleen A. Sternberg

cc: Tracey Cote Goyette, Esq.
Jeffery Manganaro, Esq.

Exhibit C
Mail body: Fwd: Home visit

Sent from my iPhone

Begin forwarded message:

From: Kathleen Sternberg <kss@sternberglaw.com>
Date: February 5, 2019 at 2:14:28 PM EST
To: Robin Partello <robpartello@yahoo.com>
Subject: RE: Home visit

I filed a motion today. Unfortunately, it is in the mail. Please send your retainer of \$350.

Kathleen A. Sternberg, Esq., NH Bar #8840
Law Office of Kathleen A. Sternberg
P.O. Box 2288
Concord, NH 03302
(603)641-1048 phone
kss@sternberglaw.com

-----Original Message-----

From: Robin Partello [<mailto:robpartello@yahoo.com>]
Sent: Tuesday, February 05, 2019 2:10 PM
To: Kathleen Sternberg
Subject: Home visit

I'm available for a home visit next Monday the 11th or Wednesday the 13th anytime after 10am and before 4pm.

Sent from my iPhone

exhibit 2
Mail body: Fed: Home Visit cancelled for today.

Sent from my Phone

Begin forwarded message:

From: Kathleen Stenberg <kas@stenberglaw.com>
Date: February 13, 2019 at 9:46:05 AM EST
To: "robjames@yaho.com" <robjames@yaho.com> <schmartz@yaho.com>
Cc: "lente@shahcengroup.com" <lente@shahcengroup.com>, "campbelldayid@comcast.net" <campbelldayid@comcast.net>
Subject: Home Visit cancelled for today.

This is to confirm that you called a few minutes ago to tell me that [REDACTED] has 102 fever and is sick with a cold. I have rescheduled the home visit to Monday, February 13, 2019, at 11:30 am.

Kathleen A. Stenberg, Esq., NH Bar #0040
Law Office of Kathleen A. Stenberg
P.O. Box 2388
Concord, NH 03302
(603)941-1048 phone
kas@stenberglaw.com

exhibit E

Mail body: Fwd: Guardian ad Litem Investigation

Sent from my iPhone

Begin forwarded message:

From: Kathleen Stemenberg <kas@stemenberglaw.com>
 Date: January 25, 2019 at 12:51 PM EST
 To: "robinpartello@yahoo.com" <robinpartello@yahoo.com>
 Subject: FW: Guardian ad Litem Investigation

1/25/2019

Dear Ms. Partello:

Last week, on Friday, I sent out an email to you and to Mr. Campbell requesting that the second part of the retainer be paid so that I may continue my investigation and prepare a report as ordered by the court. I have since received Mr. Campbell's payment of \$650 and I would appreciate your payment of \$350. I have sent you several emails about trying to arrange for a home visit with you and [REDACTED]. I need to have your cooperation to schedule this visit. Would you kindly let me know what days and times would work for you in the next week? I look forward to your reply. I am still waiting to receive your references' questionnaires as well. Have you contacted them? I would appreciate your assistance with getting me this information. Thank you.

Kathleen A. Stemenberg, Esq., NH Bar #8840
 Law Office of Kathleen A. Stemenberg
 P.O. Box 2268
 Concord, NH 03302
 (603)641-1048 phone
kas@stemenberglaw.com

From: Kathleen Stemenberg
 Sent: Friday, January 18, 2019 7:13 AM
 To: robinpartello@yahoo.com; camcubell@comcast.net
 Subject: FW: Guardian ad Litem Investigation

Yes, I apologize. Didn't have the file in front of me. Robin, please forward \$350 and David, please forward \$650. Thank you.

Kathleen A. Stemenberg, Esq., NH Bar #8840
 Law Office of Kathleen A. Stemenberg
 P.O. Box 2268
 Concord, NH 03302
 (603)641-1048 phone
kas@stemenberglaw.com

From: camcubell@comcast.net <camcubell@comcast.net>
 Sent: Friday, January 18, 2019 7:06 AM
 To: Kathleen Stemenberg
 Subject: Re: Guardian ad Litem Investigation

Hi Kay... I believe I need to pay a higher percentage of the \$1,000 per the initial order, 65%. So it's 650 from me and 350 from Robin.

I will mail a check today.
 Thank you!
 David

David B. Campbell
 Office: 603-863-1190
 Mobile: 603-531-0651

-----Original Message-----

From: kas@stemenberglaw.com
 To: robinpartello@yahoo.com; camcubell@comcast.net
 Cc: robinpartello@yahoo.com; janetm@shahenewarrior.com

JAI000179

Sent: 2019-01-18 6:34:22 AM
Subject: Guardian ad Litem Investigation

1/18/2019

Dear Ms. Portello and Mr. Campbell:

I have reviewed the court's order of January 16, 2019 from the Review Hearing and I am ordered to file a final report by March 29, 2019. I have provided you both with copies of my invoices to date (1/12/2019). The initial retainer has been expended. In order to continue with my investigation, it is necessary for me to ask each of you for an additional retainer of \$500. As you are aware, the initial retainer was \$2,500 and the court established a cap of \$3,500 for my services. Would you each kindly send me a check in the amount of \$500?

Additionally, I will need to reschedule a home visit with Robin and [REDACTED] as soon as possible and Robin, I need to hear from your reference. I have received your parent's questionnaire and your paternal aunt's questionnaire, but I have not heard from your supervisor. Would you kindly ask her to get the requested questionnaire filled out and back to me?

Thank you for your earliest reply.

Kathleen A. Stamenberg, Esq., NH Bar #3840
Law Office of Kathleen A. Stamenberg
P.O. Box 2288
Concord, NH 03302
(603) 641-1048 phone
kas@kathleenstamenberglaw.com

EXHIBIT 6

Judge 1.

2/8/2021

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2984
<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY

PLAINTIFF'S
EXHIBIT

8

Case Name: In the Matter of David Campbell and Robin Partello

Case Number: 659-2018-DM-00702

Enclosed please find a copy of the Court's Order dated March 12, 2019 relative to:

Motion to Exceed Fee Cap

"Motion granted over the Respondent's objection at #36".

Introcaso, J.

March 12, 2019

Sherry L. Bisson
Clerk of Court

(579)

C: Robin Partello; Kathleen A. Stemenberg; Tracey G. Cote, ESQ

*1-9-2020
originals have been submitted @ JCC*

COPY

JDL

JA1000194

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT

9th CIRCUIT - FAMILY DIVISION - NASHUA

2019 MAR -1 A 11:12

CASE NO: 659-2018-DM-00702

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

MOTION TO EXCEED FEE CAP

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue allow the Guardian ad Litem to exceed the fee cap by an additional \$1,000 and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED] [REDACTED] [REDACTED] DOB [REDACTED].
2. This matter has involved allegations of inappropriate contact with the child and a police investigation and DCYF investigation.
3. The GAL has filed multiple pleadings, prepared for and attended hearings, and has received and replied to ongoing daily email exchanges, phone calls, arranged and attended in person meetings, home visits at both homes, had multiple contacts with the child's school, pediatricians, therapist, and has received police, DCYF and medical records and met with police and had contacts with DCYF.
4. The GAL has used the initial retainer and supplemental retainer¹ as of her billing this week.
5. The GAL anticipates that within a month, she will need to write and file a comprehensive report and to testify at the upcoming contested hearing.
6. The GAL has informed both parties of her intent to file this motion.
7. David Campbell has assented to this motion.
8. Robin Partello objects to this motion.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Allow the GAL's motion to exceed the fee cap in the amount of \$1,000 and order

¹The GAL has not received Robin Partello's portion of the supplemental retainer as of this writing.

the parties to the GAL. In addition, the percentage of the retainer within fourteen days of the order; and

B. Grant such other relief as may be fair and just.

Respectfully submitted,

Dated: February 28, 2019

Kathleen A. Sternenberg

Kathleen A. Sternenberg, Esq., NHB#8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Mangano, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Pariello, pro se.

Kathleen A. Sternenberg
Kathleen A. Sternenberg

Motion Granted/Denied

Date 3-12-19

[Signature]
Judge A. Piro

over the
Respondent's
objection at
36

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2864
<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY

COPY



Case Name: In the Matter of David Campbell and Robin Partello
Case Number: 659-2018-DM-00702



Enclosed please find a copy of the Court's Order dated March 12, 2019 relative to:

Motion to Exceed Fee Cap
"Motion granted over the Respondent's objection at #36".

Introcasso, J.

March 12, 2019

Sherry L. Bisson
Clerk of Court

(579)

C: Robin Partello; Kathleen A. Stemenberg; Tracey G. Cote, ESQ

ORIGINAL

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT

9th CIRCUIT - FAMILY DIVISION, NASHUA
RECEIVED
NEW HAMPSHIRE CIRCUIT COURT
9TH CIRCUIT NASHUA
JAN 25 2024

CASE NO: 659-2018-DM-00702

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLIO

MOTION TO EXCEED FEE CAP

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue allow the Guardian ad Litem to exceed the fee cap by an additional \$1,000 and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED] [REDACTED] [REDACTED], DOB [REDACTED].
2. This matter has involved allegations of inappropriate contact with the child and a police investigation and DCYF investigation.
3. The GAL has filed multiple pleadings, prepared for and attended hearings, and has received and replied to ongoing daily email exchanges, phone calls, arranged and attended in person meetings, home visits at both homes, had multiple contacts with the child's school, pediatricians, therapist, and has received police, DCYF and medical records and met with police and had contacts with DCYF.
4. The GAL has used the initial retainer and supplemental retainer¹ as of her billing this week.
5. The GAL anticipates that within a month, she will need to write and file a comprehensive report and to testify at the upcoming contested hearing.
6. The GAL has informed both parties of her intent to file this motion.
7. David Campbell has assented to this motion.
8. Robin Partello objects to this motion.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Allow the GAL's motion to exceed the fee cap in the amount of \$1,000 and order

¹The GAL has not received Robin Partello's portion of the supplemental retainer as of this writing.

ORIGINAL


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the parties to pay the GAL the additional percentage of the retainer within fourteen days of this order; and

B. Grant such other relief as may be fair and just.

Respectfully submitted,

Dated: February 28, 2019


Kathleen A. Sternenberg, Esq., NHIB#8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partelka, pro se.


Kathleen A. Sternenberg

ORIGINAL

DEPOSITION EXHIBIT

INTROCASO

9

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT

9th CIRCUIT - FAMILY DIVISION - NASHUASUPERIOR COURT
STATE OF NEW HAMPSHIRE

2019 MAR -1 A 11:12

CASE NO: 659-2018-DM-00702

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

PLAINTIFF'S
EXHIBIT

10

FURTHER MOTION FOR INSTRUCTION REGARDING
GAL SUPPLEMENTAL RETAINER PAYMENT BY ROBIN PARTELLO

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue a further order to instruct Robin Partello to pay the GAL via check, money order or cash payment immediately and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED], DOB [REDACTED].
2. Although this court ordered that Robin Partello pay the Guardian ad Litem within seven days of its recent order, the Guardian ad Litem has not received the \$350 second retainer amount in a form acceptable to the GAL.
3. Robin Partello has apparently sent electronic funds to Apple Pay and insists that the GAL accept these funds.
4. The GAL does not accept Apple Pay and does not have Apple Pay connected to her client trust account.
5. The GAL has repeatedly informed Robin Partello that she does not accept electronic payments for retainers.
6. The GAL has informed Robin Partello that she needs to either send a check or money order or arrange a time to meet the GAL to give her cash.
7. Robin Partello has refused to do so.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Order Robin Partello to pay the GAL retainer in the amount of \$350 by cash, by check or by money order and to either mail the check or money order to the GAL's business address or to arrange to meet the GAL at the NH Bar Association offices with a cash payment; and
- B. Grant such other relief as may be fair and just.

ORIGINAL

85

Respectfully submitted,

Dated: February 23, 2019



Kathleen A. Sternenberg, Esq., NHB#8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.



Kathleen A. Sternenberg

ORIGINAL

Kathleen Sternenberg

From: Robin Partello <robinpartello@yahoo.com>
Sent: Tuesday, February 26, 2019 5:16 PM
To: Kathleen Sternenberg
Subject: Re: I do not accept Apple Pay

RECEIVED
NH CIRCUIT COURT
5TH CIRCUIT NASHUA

2019 MAR -1 A 11: 12

Yes, I fully understand. Everyone is set up for Apple Pay if you have an Apple phone.

You take the funds that I sent you and deposit it into your IOLTA.

Quite honestly, you are the first attorney that I've ever met that doesn't take electronic payments and does not have an office.

I did my part. I sent the money. You have it available. It's not my obligation to drive to Concord NH to drop off cash when you may not be there. The office staff at the N.H. Bar Association already refused to sign a statement as a witness. They said they don't work for you. You're putting me in a tough spot.

I'll just file with the Court for instruction.

Sent from my iPhone

> On Feb 26, 2019, at 4:52 PM, Kathleen Sternenberg <kas@sternbergslaw.com> wrote:

>

> Ms. Partello,

>

> Please arrange to bring me \$350 cash at the NH Bar Association. I can not accept Apple Pay. I do not have it set up. This money is deposited in to my Client Trust account. It is not my money, as you know. I would appreciate your understanding.

>

> Kathleen A. Sternenberg, Esq., #6840

> Law Office of Kathleen A. Sternenberg

> P. O. Box 2288

> Concord, NH 03302-2288

> (603) 641-1048

> kas@sternbergslaw.com

>

>> On Feb 26, 2019, at 4:45 PM, Robin Partello <robinpartello@yahoo.com> wrote:

>>

>> Apple Pay is the most secure source of electronic payment. I sent the exact amount of money that you requested and it was available to you instantaneously.

>>

>> Kathleen, honestly, you asked for a \$350, I sent it and it was immediately available. Instead, you email me and tell me to go to a bank, get a money order, go to a Post Office and mail it with "tracking".

>>

>> As I told you before, you don't have a business office, I can't drop off cash like I did the last time when we met at the N.H. Bar Association conference room. Mailing a money order is like mailing cash, it's never a good idea.

>>

ORIGINAL

>> I sent you the exact amount that you requested. You have the \$350. I will file a motion with the Court for instruction as it seems ludicrous that you won't accept such a secure form of payment. You are essentially tying my hands behind my back. I don't use checks. You don't have an office & you don't accept electronic payments.

>>

>> I'll file a Motion to Inform the Court.

>>

>> Sent from my iPhone

>>

>>> On Feb 26, 2019, at 2:24 PM, Kathleen Sternenberg <kas@sternenberglaw.com> wrote:

>>>

>>> Please go to the post office, purchase a money order and mail it to me. If you would like, you can send it with tracking. I do not, and will not, accept Apple Pay for retainer deposits.

>>>

>>> Kathleen A. Sternenberg, Esq., #8840 Law Office of Kathleen A.

>>> Sternenberg P. O. Box 2288 Concord, NH 03302-2288

>>> (603) 641-1048

>>> kas@sternenberglaw.com

ORIGINAL

Kathleen Sternenberg

From: Robin Partello <robinpartello@yahoo.com>
Sent: Tuesday, February 26, 2019 9:12 AM
To: Kathleen Sternenberg
Subject: Re: Following up with you.

I sent it electronically. Honestly, you only accept checks, which I don't use and haven't for years. I can get a money order but I don't want to mail it as it's the same as cash. You don't have an office so I couldn't even drop off the money order or cash.

Additionally, I'd prefer to have a record of my payment. Further, have you sent a recent invoice? I have not received it.

Sent from my iPhone

On Feb 26, 2019, at 8:08 AM, Kathleen Sternenberg <kas@sternenberglaw.com> wrote:

Robin,

You told me that you would send me the \$350 retainer. I have not received your payment. Is this something you have sent?

Kathleen A. Sternenberg, Esq., NH Bar #8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302
(603)841-1048 phone
kas@sternenberglaw.com

From: Robin Partello [<mailto:robinpartello@yahoo.com>]
Sent: Tuesday, February 26, 2019 7:24 AM
To: Kathleen Sternenberg
Subject: Re: Following up with you.

Kathleen:

I am in the process of obtaining an attorney. Although I would love to answer your questions, I await for my counsel to advise.

Due to the voluminous case file, it will take three to five business days for the attorney(s) to review.

I DO NOT assent to your motion to exceed the cap.

Sent from my iPhone

On Feb 25, 2019, at 1:04 PM, Kathleen Sternenberg <kas@sternenberglaw.com> wrote:

2/25/2019

Hi, Robin,

I have not received your retainer check.

ORIGINAL

I have a couple of things that I would like to hear directly from you about. I would ask that you respond to these questions in writing, please.

1. When we originally sat down, I believe you told me that you had never been married. I would like to have you confirm this as when I asked your parents, they said you had been married to a man named Jeff. Please provide Jeff's full name and the dates of your marriage and how the marriage ended and date of separation and divorce. I would like to understand from you what the circumstances of the divorce were.
2. Also, when we met, I believe you told me that you moved from your parents' home to your Darry condo. You told me that you did not live anywhere in between. It is my understanding that there were several months between when you left your parents' home and when you were able to move in to your Darry condo after the tenant vacated. Could you please tell me where you lived between June and September? It is important to me to know and understand where [REDACTED] has lived.
3. Would you also clarify for me if you have had any boyfriends, companions or significant others during [REDACTED]'s lifetime? I had asked you about the nature of the relationship with Russ, your neighbor, and I believe that you said that Russ was just someone who allowed you and [REDACTED] to use his bathroom while he was at work. However, I have information that [REDACTED] may have been around Russ and Russ may have disciplined him and that Russ may have provided you transportation. I would like to better understand the nature of this relationship and any other relationship where the man has been in contact with your son for any length of time and has gotten to know him. I understand from David that there was someone who used to go to the sports activities with you to watch [REDACTED]?
4. Could you also provide me with your work schedule for the past several months? I would like to confirm exactly what your hours are and what days and times during each 7 day period.
5. I would like to better understand where [REDACTED] stays during your work hours. I know that your parents have mentioned that he is sometimes with them. I know that [REDACTED] spends some time with David. Before this current court order, where was [REDACTED] when you were working? Please tell me any and all places where he would have been watched. I would like to better understand where [REDACTED] has stayed throughout this case.

Thank you for your answers to these specific questions.

Finally, it is clear to me that it will be necessary for me to exceed the fee cap in order to prepare my report and to testify at the final hearing. I will be filing a motion to exceed and would very much appreciate your assent. Please let me know if you assent to this filing. Thank you.

Kathleen A. Sternenberg, Esq., NH Bar #8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2286
Concord, NH 03302

ORIGINAL

DEPOSITION EXHIBIT

INTROCASO

6

STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

<http://www.courts.state.nh.us>

RECEIVED
FAMILY COURT
NASHUA

2019 MAR -4 P 2 11

9th Circuit – Family Division - Nashua

In the Matter of: David Campbell and Robin Partello

Docket No.: 659-2018-DM-00702

PLAINTIFF'S
EXHIBIT

11

OBJECTION TO GAL'S MOTION TO EXCEED FEE CAP

NOW COMES Robin Partello, Respondent in the above-captioned matter, and submits the following Motion and states the following:

1. The Guardian ad Litem has acted improperly in this matter. On several occasions, she has overstepped her boundaries as ordered by this Court.
2. Prior to her date of appointment as GAL, Kathleen had several phone conversations with David and his counsel. Kathleen then called the child's therapist and informed the therapist that he needs to conduct counseling with David because he has 50/50 parenting rights and that is how counseling works best. (See exhibit A)
3. The counselor was taken aback by this, as was Robin. Kathleen confused her role as a Guardian ad Litem with that of a Guardian. As a GAL, Kathleen is to observe and investigate and report to the Court. Kathleen is without authority to instruct a therapist on how she wants the counseling handled.
4. This demand also shows bias on Kathleen's part as she is the child's advocate and not an advocate for David Campbell.
5. When Kathleen met with Robin, Kathleen said "you're not really employed by Northeast Rehab" as a nurse. Robin informed Kathleen that she was employed by

691000169

Northeast Rehab Hospital in the home care division. Robin informed her that homecare is a field of nursing and the patients have a nurse go to their home.

6. Kathleen asked Robin who her patients were- to which Robin informed her that she took care of an elderly husband and wife in their home. Kathleen asked where they lived. Robin said she's not supposed to release any personal details. Kathleen demanded to know. Robin told her the city and state of her patient's homes. Kathleen then demanded to know the names of Robin's patients. Robin instructed Kathleen that as a nurse, the names of her patients are private and part of the Health Insurance Portability and Accountability Act (HIPAA). Kathleen told Robin that she did not have a choice and had to tell Kathleen the patient's names. This is a clear violation of federal law that Kathleen demanded. It is unconscionable for a GAL to put a Mother in a position to decide between violating HIPAA or potentially hurting an investigation regarding her four-year-old son. *see exhibit B*

7. Kathleen informed Robin during the first visit that she (Kathleen) had never talked to David. Robin asked how Kathleen would know that David didn't think the Wednesday schedule is working and Kathleen said "I read his motions". After demanding an invoice of services, Robin saw that Kathleen had in fact talked to David prior to that meeting and had lied to Robin.
8. Further, Robin emailed Kathleen about scheduling a home visit. Kathleen immediately responded and said "I just drafted a motion but it's already in the mail". The next day, Kathleen filed a motion with the Court stating that Robin was ignoring her and failed to respond about a home visit. Kathleen was dishonest

with the Court when she said the first time that Robin was refusing to comply with the GAL. Kathleen did complete the home visit at Robin's house and stayed for an hour and a half. *See exhibit C*

9. Kathleen filed a second motion for instruction regarding the \$350 retainer. Robin sent the retainer via Apple Pay and the funds were withdrawn from her account. Two days later, Kathleen filed a second motion with the Court that Robin was refusing to comply. Kathleen apparently doesn't accept electronic payments that are the equivalent as cash. Kathleen wants cash or money orders.
10. Kathleen sent Robin a list of questions that she attached to her motion. These questions were drafted by David but sent to Robin by Kathleen.
11. It is clear from her behavior and actions that Kathleen is not able to stay neutral and conduct an unbiased investigation.
12. For example, the day that the home visit was scheduled with Robin, the minor had a 102 degree temperature and was not feeling well. Robin called Kathleen to tell her and ask if she could schedule something for the following day to give the minor child a chance to get better. Kathleen said she was not available but scheduled it a couple of days later. *See exhibit D*
13. Robin immediately received an email from Kathleen stating that she wanted to confirm that Robin had canceled the home visit because Robin said her son was sick. Kathleen cc'ed David and his attorney. Robin replied and confirmed that she did cancel and that her son is her priority. Robin also informed Kathleen that she found it odd that Kathleen did not once say "I hope [REDACTED] is feeling better".

14. Further, during the initial meeting Kathleen stated to Robin "even if Dave did something inappropriate to your son, so what? What are you going to do about it? You'll never be able to prove it". Robin found that troubling.

15. Kathleen does not provide invoices on a regular basis. Robin had to ask several times to get an invoice. Robin's concern was that there was no way to know how much they had and how to budget. Kathleen just randomly emailed and said I need for you to replenish the retainer. Dave then responded to her immediately and said ~~Hey~~^{Hi} Kay, I pay 65% and Robin pays 35%. Kathleen forwarded that email to me and it struck me as odd that David started the email with "~~Hey~~^{Hi} Kay". Nicknames are what friends use. *See exhibit E*

16. Now, Kathleen is requesting to exceed the initial retainer and again, I do not have a current invoice despite asking for one.

17. Kathleen is not able to conduct an unbiased investigation and she needs to be removed from this matter.

WHEREFORE: Robin Partello respectfully requests that this Honorable Court provide the following relief:

- A. Deny the GAL's motion;
- B. Order that the GAL is removed from this matter;
- C. Provide any other relief which this court deems fair and equitable.

Respectfully submitted,

Date: March 4, 2019



Robin A. Partello
97 East Broadway Unit 7
Derry, NH 03038
(603) 417-9003

CERTIFICATION OF COMPLIANCE

I hereby certify that one copy of Motion was mailed this date to counsel for David Campbell

Date: March 4, 2019



Robin A. Partello

Exhibit A

Law Office of Kathleen Siemenberg
P.O. Box 2288
Concord, NH 03302-2288

Invoice submitted to:
David Campbell
10 East Dunstable Road
Nashua, NH 03060

January 08, 2019

Invoice # 19719

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
10/29/2018 Receive and review court order on appointment	0.20 120.00/hr	24.00
11/2/2018 Phone call with Tracey Cote	0.20 120.00/hr	24.00
11/7/2018 Phone call with Tracey Cote; phone call James Foster, scan Mr. Campbell's info to Tracey Cote; prepare and mail paperwork to open GAL file	1.33 120.00/hr	160.00
11/9/2018 Receive and review email Attorney Cote regarding David's contact with counselor	0.10 120.00/hr	12.00
11/10/2018 Receive and review/print court order on weekend visit out of state from David's attorney	0.10 120.00/hr	12.00
11/12/2018 Receive and review/reply to Robin Partello; phone call Attorney Cote; letter to James Foster with order/releases	0.50 120.00/hr	60.00
11/15/2018 Phone call with James Foster	0.25 120.00/hr	30.00
11/16/2018 Receive and review Motion regarding holiday request for schedule expansion; phone call Tracey Cote regarding Brody's statement regarding mom's acquaintance	0.25 120.00/hr	30.00
11/21/2018 Receive and review court Order	0.10 120.00/hr	12.00
11/26/2018 Receive and review emails from Robin Partello	0.10 120.00/hr	12.00

David Campbell

Page

	<u>Hrs/Rate</u>	<u>Amount</u>
11/27/2018 Phone call David Campbell x 2	0.30 120.00/hr	36.00
11/29/2018 Receive and review copies of pleadings from Robin Partello	0.20 120.00/hr	24.00
11/30/2018 Brief meeting with Robin Partello to get retainer (cash) and paperwork	0.50 120.00/hr	60.00
12/2/2018 Follow up with Robin Partello regarding need for general release for police, DCYF, school and other collateral contacts and GAL's use of this general release in practice; scan and send general release to Ms. Partello via attachment to email with request that she sign the release so that the GAL can proceed.	0.20 120.00/hr	24.00
12/5/2018 Send e-mail follow up with parties; receive/review pleadings filed by David's counsel	0.25 120.00/hr	30.00
12/6/2018 Receive and review/reply Robin Partello's refusal to sign release	0.10 120.00/hr	12.00
12/7/2018 Meeting with David to collect information/documents questionnaires, etc. receive/review email Robin confirming Friday interview	0.50 120.00/hr	60.00
12/8/2018 Prepare/draft Motion to Approve with Stip, Appearance; Motion for Instruction and cover letter to court	1.00 120.00/hr	120.00
12/10/2018 Receive and review email Attorney Cole regarding David's contact with counselor	0.10 120.00/hr	12.00
Review documents to prepare for interviews; receive/review email David regarding Christmas planning, receive/review/print/file Nashua Pediatrics notes	1.50 120.00/hr	180.00
For professional services rendered	7.78	\$934.00
11/30/2018 Payment on Retainer - Robin Partello - Thank you.		(\$875.00)
12/12/2018 Payment - retainer - David Campbell - thank you.		(\$1,625.00)
Total payments and adjustments		(\$2,500.00)
Balance remaining		\$1,566.00

cc: Robin Partello
97 East Broadway Apt. 7
Derry, NH 03038-2028

Exhibit B

LAW OFFICE OF KATHLEEN A. STERNENBERG

KATHLEEN A. STERNENBERG*

ALSO ADMITTED IN VT*

POST OFFICE BOX 2288

CONCORD, NEW HAMPSHIRE 03302

TELEPHONE 603-641-1048

kas@sternenberglaw.com

January 7, 2019

Robin Partello
97 East Broadway, Apt. 7
Derry, NH 03038-2028

Re: In the Matter of David Campbell and Robin Partello, Case Number 659-2018-DM-00702;
Brydon Campbell, DOB 06/19/2014

Dear Ms. Partello:

I understand from your emails of Sunday, January 6, 2019 at 6:02 pm and 6:36 pm (see attached) that you intend to file a complaint against me for asking you for your employer's name when you feel that you should not have provided it as you are a licensed practical nurse and have a duty of confidentiality. I am sorry if this information was something you should not have disclosed as a licensed practical nurse for HIPAA reasons. It is information that is relevant to my investigation. As I told you, I have been a certified Guardian ad Litem in New Hampshire since 1993 and I have a process and procedure that I use in all of my GAL cases. It is my procedure to obtain information from all parties about their employment and to ask for and obtain the employer's contact information. In GAL cases, it is often relevant to know the work hours and history of work hours for a parent in order to investigate and make recommendations in the best interest of the child. As a certified GAL yourself, I believe you understand this.

It is my recollection that we first met on or about the end of November, 2018, at the New Hampshire Bar Association so that you could bring me cash for your portion of the retainer. At that time, you had not completed the paperwork I had requested and you sat with me in a conference room where I was working for a few minutes and went through the questionnaire in my presence. You told me that you worked as a private duty nurse and I asked you to tell me your employer's information. You told me that you worked at a residence in Andover, MA for a couple in their 80's. This is the extent of information you provided to me.

After this initial meeting, we met for a interview of about an hour and fifteen minutes. During this interview, you told me your employers' last name and that while you work in the home of your employer, you are paid through their business, Northeast Rehabilitation Hospital. It is not necessary for me to use the last name of your employer as I can use the Northeast Rehabilitation Hospital information. Out of concern for your position and license, I will redact any reference in my notes to a last name for the couple you care for and I will not use the name in any report I make to the court.

Please understand that I have not used this information for any purpose to date except to try to obtain information from you regarding your current work history. In your email you state that "any future communication with my employer needs to go through Human Resources." I have not contacted your employer to date. You further state "at this juncture, you are jeopardizing my employment. I do not believe I have done any such thing as I have not been in contact with your employer or human resources department." The only contact I have made is at your request. I sent a letter and GAL reference questionnaire to a woman you identified as your work supervisor. I have, at this time, not received a reply.

I hope that this will resolve your concerns about the confidentiality of your employer's personal information, namely their last name.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kathleen A. Sternberg". The signature is fluid and cursive, with the first name "Kathleen" and last name "Sternberg" clearly distinguishable.

Kathleen A. Sternberg

cc: Tracy Cote Goyette, Esq.
Jeffery Manganaro, Esq.

Exhibit C
Mail body: Fwd: Home visit

Sent from my iPhone

Begin forwarded message:

From: Kathleen Sternberg <kas@sternberglaw.com>
Date: February 5, 2019 at 2:14:28 PM EST
To: Robin Partello <robinpartello@yahoo.com>
Subject: RE: Home visit

I filed a motion today. Unfortunately, it is in the mail. Please send your retainer of \$350.

Kathleen A. Sternberg, Esq., NH Bar #8840
Law Office of Kathleen A. Sternberg
P.O. Box 2288
Concord, NH 03302
(603)641-1048 phone
kas@sternberglaw.com

-----Original Message-----

From: Robin Partello [mailto:robinpartello@yahoo.com]
Sent: Tuesday, February 05, 2019 2:10 PM
To: Kathleen Sternberg
Subject: Home visit

I'm available for a home visit next Monday the 11th or Wednesday the 13th anytime after 10am and before 4pm.

Sent from my iPhone

.. exhibit b
Mail body: Fwd: Home Visit cancelled for today.

Sent from my iPhone

Begin forwarded message:

From: Kathleen Stenberg <kes@stenberglaw.com>
Date: February 13, 2019 at 9:46:05 AM EST
To: "robipartello@yahoo.com" <robipartello@yahoo.com>
Cc: "tscote@shabsengordon.com" <tscote@shabsengordon.com>, "campbelldavidb@comcast.net" <campbelldavidb@comcast.net>
Subject: Home Visit cancelled for today.

This is to confirm that you called a few minutes ago to tell me that [REDACTED] has 102 fever and is sick with a cold. I have rescheduled the home visit to Monday, February 18, 2019, at 11:30 am.

Kathleen A. Stenberg, Esq., NH Bar #6840
Law Office of Kathleen A. Stenberg
P.O. Box 2268
Concord, NH 03302
(603) 941-1048 phone
kes@stenberglaw.com

exhibit E
Mail body: Fwd: Guardian ad Litem Investigation

Sent from my iPhone

Begin forwarded message:

From: Kathleen Stenberg <kas@stenberglaw.com>
Date: January 25, 2019 at 12:51 PM EST
To: "robinpartello@yahoo.com" <robinpartello@yahoo.com>
Subject: FW: Guardian ad Litem Investigation

1/25/2019

Dear Ms. Partello:

Last week, on Friday, I sent out an email to you and to Mr. Campbell requesting that the second part of the retainer be paid so that I may continue my investigation and prepare a report as ordered by the court. I have since received Mr. Campbell's payment of \$650 and I would appreciate your payment of \$350. I have sent you several emails about trying to arrange for a home visit with you and [REDACTED]. I need to have your cooperation to schedule this visit. Would you kindly let me know what days and times would work for you in the next week? I look forward to your reply. I am still waiting to receive your references' questionnaires as well. Have you contacted them? I would appreciate your assistance with getting me this information. Thank you.

Kathleen A. Stenberg, Esq., NH Bar #8840
Law Office of Kathleen A. Stenberg
P.O. Box 2288
Concord, NH 03302
(603)841-1048 phone
kas@stenberglaw.com

From: Kathleen Stenberg
Sent: Friday, January 18, 2019 7:13 AM
To: robinpartello@yahoo.com; campbelldavidb@comcast.net
Subject: FW: Guardian ad Litem Investigation

Yes, I apologize. Didn't have the file in front of me. Robin, please forward \$350 and David, please forward \$650. Thank you.

Kathleen A. Stenberg, Esq., NH Bar #8840
Law Office of Kathleen A. Stenberg
P.O. Box 2288
Concord, NH 03302
(603)841-1048 phone
kas@stenberglaw.com

From: campbelldavidb@comcast.net [mailto:campbelldavidb@comcast.net]
Sent: Friday, January 18, 2019 7:06 AM
To: Kathleen Stenberg
Subject: Re: Guardian ad Litem Investigation

Hi Kay... I believe I need to pay a higher percentage of the \$1,000 per the initial order. 65%. So it's 650 from me and 350 from Robin.

I will mail a check today.
Thank you!
David

David B. Campbell
Office: 603-883-1100
Mobile: 603-531-8831

-----Original Message-----

From: kas@stenberglaw.com
To: robinpartello@yahoo.com; campbelldavidb@comcast.net
Cc: jcole@shahenagordon.com; inaana.nara@shahenagordon.com

JAI000179

Sent: 2019-01-18 6:34:22 AM
Subject: Guardian ad Litem Investigation

1/18/2019

Dear Ms. Partello and Mr. Campbell:

I have reviewed the court's order of January 16, 2019 from the Review Hearing and I am ordered to file a final report by March 29, 2019. I have provided you both with copies of my invoices to date (1/12/2019). The initial retainer has been expended. In order to continue with my investigation, it is necessary for me to ask each of you for an additional retainer of \$500. As you are aware, the initial retainer was \$2,500 and the court established a cap of \$3,500 for my services. Would you each kindly send me a check in the amount of \$500?

Additionally, I will need to reschedule a home visit with Robin and Brady as soon as possible and Robin, I need to hear from your reference. I have received your parent's questionnaire and your paternal aunt's questionnaire, but I have not heard from your supervisor. Would you kindly ask her to get the requested questionnaire filled out and back to me?

Thank you for your earliest reply.

Kathleen A. Stemenberg, Esq., NH Bar #8840
Law Office of Kathleen A. Stemenberg
P.O. Box 2288
Concord, NH 03302
(800)841-1048 phone
kas@stemenberglaw.com

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>



NOTICE OF DECISION

**ROBIN PARTELLO
97 EAST BROADWAY
APT 7
DERRY NH 03038**



Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Enclosed please find a copy of the Court's Order dated March 12, 2019 relative to:

**Further Motion for Instruction Regarding GAL Supplemental
Retainer Payment by Robin Partello
"Legal fees/GAL fees to be paid in Cash, by Money Order or
Bank Check, ONLY".**

So Ordered

Introcaso, J.

March 12, 2019

Sherry L. Bisson
Clerk of Court

(579)

C: Kathleen A. Sternenberg; Tracey G. Cote, ESQ



THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT

9th CIRCUIT - FAMILY DIVISION - NASHUA

CASE NO: 659-2018-DM-00782

2019 MAR -1 A 11:12

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

FURTHER MOTION FOR INSTRUCTION REGARDING
GAL SUPPLEMENTAL RETAINER PAYMENT BY ROBIN PARTELLO

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue a further order to instruct Robin Partello to pay the GAL via check, money order or cash payment immediately and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED], DOB [REDACTED]
2. Although this court ordered that Robin Partello pay the Guardian ad Litem within seven days of its recent order, the Guardian ad Litem has not received the \$350 second retainer amount in a form acceptable to the GAL.
3. Robin Partello has apparently sent electronic funds to Apple Pay and insists that the GAL accept these funds.
4. The GAL does not accept Apple Pay and does not have Apple Pay connected to her client trust account.
5. The GAL has repeatedly informed Robin Partello that she does not accept electronic payments for retainers.
6. The GAL has informed Robin Partello that she needs to either send a check or money order or arrange a time to meet the GAL to give her cash.
7. Robin Partello has refused to do so.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Order Robin Partello to pay the GAL retainer in the amount of \$350 by cash, by check or by money order and to either mail the check or money order to the GAL's business address or to arrange to meet the GAL at the NH Bar Association offices with a cash payment; and
- B. Grant such other relief as may be fair and just.

Respectfully submitted,

Dated: February 28, 2019



Kathleen A. Sternenberg, Esq., NHB#8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.



Kathleen A. Sternenberg

3/12/19-

Legal fees / GAL fees
to be paid in cash
by money order or
bank check, ONLY.

So Ordered.



Julie A. Intrigoso

Kathleen Sternenberg

From: Robin Partello <robinpartello@yahoo.com>
Sent: Tuesday, February 26, 2019 5:16 PM
To: Kathleen Sternenberg
Subject: Re: I do not accept Apple Pay

RECEIVED
NH CIRCUIT COURT
9TH CIRCUIT NASHUA

2019 MAR -1 A 11:12

Yes, I fully understand. Everyone is set up for Apple Pay is you have an Apple phone.

You take the funds that I sent you and deposit it into your IOLTA.

Quite honestly, you are the first attorney that I've ever met that doesn't take electronic payments and does not have an office.

I did my part, I sent the money. You have it available. It's not my obligation to drive to Concord NH to drop off cash when you may not be there. The office staff at the N.H. Bar Association already refused to sign a statement as a witness. They said they don't work for you. You're putting me in a tough spot.

I'll just file with the Court for instruction.

Sent from my iPhone

> On Feb 26, 2019, at 4:52 PM, Kathleen Sternenberg <kas@sternberglaw.com> wrote:

>
> Ms. Partello,
>
> Please arrange to bring me \$350 cash at the NH Bar Association. I can not accept Apple Pay. I do not have it set up. This money is deposited in to my Client Trust account. It is not my money, as you know. I would appreciate your understanding.

>
> Kathleen A. Sternenberg, Esq., #8840
> Law Office of Kathleen A. Sternenberg
> P. O. Box 2288
> Concord, NH 03302-2288
> (603)641-1048
> kas@sternberglaw.com
>

>> On Feb 26, 2019, at 4:45 PM, Robin Partello <robinpartello@yahoo.com> wrote:

>>
>> Apple Pay is the most secure source of electronic payment. I sent the exact amount of money that you requested and it was available to you instantaneously.

>>
>> Kathleen, honestly, you asked for a \$350, I sent it and it was immediately available. Instead, you email me and tell me to go to a bank, get a money order, go to a Post Office and mail it with "tracking".

>>
>> As I told you before, you don't have a business office, I can't drop off cash like I did the last time when we met at the N.H. Bar Association conference room. Mailing a money order is like mailing cash, it's never a good idea.

ORIGINAL

>> I sent you the exact amount that you requested. You have the \$350. I will file a motion with the Court for Instruction as it seems ludicrous that you won't accept such a secure form of payment. You are essentially tying my hands behind my back. I don't use checks. You don't have an office & you don't accept electronic payments.

>>

>> I'll file a Motion to Inform the Court.

>>

>> Sent from my iPhone

>>

>>> On Feb 26, 2019, at 2:24 PM, Kathleen Sternenberg <kas@sternenberglaw.com> wrote:

>>>

>>> Please go to the post office, purchase a money order and mail it to me. If you would like, you can send it with tracking. I do not, and will not, accept Apple Pay for retainer deposits.

>>>

>>> Kathleen A. Sternenberg, Esq., #8840 Law Office of Kathleen A.

>>> Sternenberg P. O. Box 2288 Concord, NH 03302-2288

>>> (603)641-1048

>>> kas@sternenberglaw.com

ORIGINAL

Kathleen Sternenberg

From: Robin Partello <robinpartello@yahoo.com>
Sent: Tuesday, February 26, 2019 9:12 AM
To: Kathleen Sternenberg
Subject: Re: Following up with you.

I sent it electronically. Honestly, you only accept checks, which I don't use and haven't for years. I can get a money order but I don't want to mail it as it's the same as cash. You don't have an office so I couldn't even drop off the money order or cash.

Additionally, I'd prefer to have a record of my payment. Further, have you sent a recent invoice? I have not received it.

Sent from my iPhone

On Feb 26, 2019, at 8:08 AM, Kathleen Sternenberg <kas@sternenberglaw.com> wrote:

Robin,

You told me that you would send me the \$350 retainer. I have not received your payment. Is this something you have sent?

Kathleen A. Sternenberg, Esq., NH Bar #8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302
(603)641-1048 phone
kas@sternenberglaw.com

From: Robin Partello [<mailto:robinpartello@yahoo.com>]
Sent: Tuesday, February 26, 2019 7:24 AM
To: Kathleen Sternenberg
Subject: Re: Following up with you.

Kathleen:

I am in the process of obtaining an attorney. Although I would love to answer your questions, I await for my counsel to advise.

Due to the voluminous case file, it will take three to five business days for the attorney(s) to review.

I DO NOT assent to your motion to exceed the cap.

Sent from my iPhone

On Feb 25, 2019, at 1:04 PM, Kathleen Sternenberg <kas@sternenberglaw.com> wrote:

2/25/2019

Hi, Robin,

I have not received your retainer check.

ORIGINAL

I have a couple of things that I would like to hear directly from you about. I would ask that you respond to these questions in writing, please.

1. When we originally sat down, I believe you told me that you had never been married. I would like to have you confirm this as when I asked your parents, they said you had been married to a man named Jeff. Please provide Jeff's full name and the dates of your marriage and how the marriage ended and date of separation and divorce. I would like to understand from you what the circumstances of the divorce were.
2. Also, when we met, I believe you told me that you moved from your parents' home to your Derry condo. You told me that you did not live anywhere in between. It is my understanding that there were several months between when you left your parents' home and when you were able to move in to your Derry condo after the tenant's vacated. Could you please tell me where you lived between June and September? It is important to me to know and understand where [REDACTED] has lived.
3. Would you also clarify for me if you have had any boyfriends, companions or significant others during [REDACTED]'s lifetime? I had asked you about the nature of the relationship with Russ, your neighbor, and I believe that you said that Russ was just someone who allowed you and [REDACTED] to use his bathroom while he was at work. However, I have information that [REDACTED] may have been around Russ and Russ may have disciplined him and that Russ may have provided you transportation. I would like to better understand the nature of this relationship and any other relationship where the man has been in contact with your son for any length of time and has gotten to know him. I understand from David that there was someone who used to go to the sports activities with you to watch [REDACTED].
4. Could you also provide me with your work schedule for the past several months? I would like to confirm exactly what your hours are and what days and times during each 7 day period.
5. I would like to better understand where [REDACTED] stays during your work hours. I know that your parents have mentioned that he is sometimes with them. I know that [REDACTED] spends some time with David. Before this current court order, where was [REDACTED] when you were working? Please tell me any and all places where he would have been watched. I would like to better understand where [REDACTED] has stayed throughout this case.

Thank you for your answers to these specific questions.

Finally, it is clear to me that it will be necessary for me to exceed the fee cap in order to prepare my report and to testify at the final hearing. I will be filing a motion to exceed and would very much appreciate your assent. Please let me know if you assent to this filing. Thank you.

Kathleen A. Sternenberg, Esq., NH Bar #8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302

ORIGINAL

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/VO Relay: (800) 735-2864
<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY

COPY

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **650-2019-DM-00702**



Enclosed please find a copy of the Court's Order dated March 12, 2019 relative to:

**Further Motion for Instruction Regarding GAL Supplemental
Retainer Payment by Robin Partello
"Legal fees/GAL fees to be paid in Cash, by Money Order or
Bank Check, ONLY".**

So Ordered

Introcaso, J.



March 12, 2019

Sherry L. Bisson
Clerk of Court

(579)

C: Robin Partello; Kathleen A. Sternenberg; Tracey G. Cote, ESQ

ORIGINAL

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT

9th CIRCUIT - FAMILY DIVISION - NASHUA

NH CIRCUIT COURT
STEWART INT NASHUA

2019 MAR -1 A 11:12

CASE NO: 659-2018-DM-00702

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

FURTHER MOTION FOR INSTRUCTION REGARDING
GAL SUPPLEMENTAL RETAINER PAYMENT BY ROBIN PARTELLO

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue a further order to instruct Robin Partello to pay the GAL via check, money order or cash payment immediately and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED], DOB [REDACTED].
2. Although this court ordered that Robin Partello pay the Guardian ad Litem within seven days of its recent order, the Guardian ad Litem has not received the \$350 second retainer amount in a form acceptable to the GAL.
3. Robin Partello has apparently sent electronic funds to Apple Pay and insists that the GAL accept these funds.
4. The GAL does not accept Apple Pay and does not have Apple Pay connected to her client trust account.
5. The GAL has repeatedly informed Robin Partello that she does not accept electronic payments for retainers.
6. The GAL has informed Robin Partello that she needs to either send a check or money order or arrange a time to meet the GAL to give her cash.
7. Robin Partello has refused to do so.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Order Robin Partello to pay the GAL retainer in the amount of \$350 by cash, by check or by money order and to either mail the check or money order to the GAL's business address or to arrange to meet the GAL at the NH Bar Association offices with a cash payment; and
- B. Grant such other relief as may be fair and just.

ORIGINAL

35

Respectfully submitted,

Dated: February 28, 2019



Kathleen A. Sternenberg, Esq., NEH# 8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.



Kathleen A. Sternenberg

ORIGINAL

PLAINTIFF'S
EXHIBIT

14

STATE OF NEW HAMPSHIRE

9TH CIRCUIT – FAMILY DIVISION – NASHUA

STATE COURT
NASHUA

IN THE MATTER OF:

2019 MAR 15 A 11:12

DAVID B. CAMPBELL AND ROBIN A. PARTELLO

DOCKET NO. 659-2018-DM-00702

PETITIONER'S EXPEDITED MOTION TO CONTINUE
MARCH 19, 2019 STATUS CONFERENCE AND
MOTION TO CLARIFY SUBJECT OF HEARING

Now comes the Petitioner, David B. Campbell, by and through his counsel, Shaheen & Gordon, P.A., and respectfully moves the Court to reschedule the March 19, 2019 Status Conference and clarify the subject of the hearing. In support, Petitioner states as follows:

1. By Notice of Hearing dated March 12, 2019, this Court scheduled a one-hour Status Conference for March 19, 2019.
2. Counsel for the Petitioner is unavailable to appear on March 19 due to a conflict with previously scheduled hearings.
3. Counsel for the Petitioner is available for a Status Conference on Monday, March 25 or in the afternoon of March 28.
4. Petitioner further requests that the Court clarify the subject of the Status Conference as it remains unclear why the Court scheduled same.
5. The parties are scheduled for trial on April 11 and 12, 2019. Petitioner is in the process of preparing for same.
6. The Guardian *Ad Litem*'s report is anticipated to be completed by the end of March.
7. There are two pending Motions for Contempt that Petitioner has filed.

8. The Petitioner is in the process of preparing for trial and completing discovery.

9. Since Petitioner had to file this Motion quickly, counsel has not contacted the

Respondent or the GAL for their assent to the relief sought herein.

10. By email on March 14, 2019 at 9:16 PM, Respondent assented to the relief requested herein.

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Allow the within Motion;
- B. Waive the ten day waiting period since there will not be ten days between the Court's Notice of Hearing and the Status Conference;
- C. Reschedule the Status Conference to either March 25 or the afternoon of March 28;
- D. Clarify the subject of the hearing; and
- E. Grant such other relief as may be just and equitable.

By and through his attorneys,
Shaheen & Gordon, P.A.

Tracey Goyette Cote, NH Bar # 17449
Jeffrey Manganaro, NH Bar # 266613
107 Storrs Street
P.O. Box 2703
Concord, NH 03302
603-225-7262

Certificate of Service

I, undersigned counsel, hereby certify that I served the within Motion upon the Respondent, Robin Partello, *pro se*, by email and mailing a copy of same to her listed address by U.S. Mail, along with a copy to the Guardian *Ad Litem*.

Jeffrey Manganaro, Esq.

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

COPY

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2884
<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY



Case Name: In the Matter of David Campbell and Robin Partello
Case Number: 659-2018-DM-00702

Enclosed please find a copy of the Court's Order dated March 15, 2019 relative to:

**Petitioner's Expedited Motion to Continue March 19, 2019 Status
Conference and Motion to Clarify Subject of Hearing - Granted**

Introcasso, J.

March 15, 2019

Sherry L. Bisson
Clerk of Court

(659304)

C: David Campbell; Robin Partello; Kathleen A. Stemenberg; Tracey G. Crte, ESQ

DEPOSITION EXHIBIT

INTROCASO

14

DAVID CAMPBELL
AND
ROBIN PARTELLO

659-2018-DM-702

On 3-15-19, the Petitioner filed a motion to continue a Status Conf. scheduled by this judge. The motion (#38) is GRANTED.

In filing the motion, the Petitioner inquired as to the purpose of the hearing. The undersigned judge scheduled the hearing to disclose her conflict with the Court-appointed GAL in the case.

Although this judge has made no substantive rulings in this matter, it has approved substantive orders issued by the marital master that had previously handled this litigation.

The marital master has been reassigned to another court location, so numerous substantive motions were presented to this judge for review.

In doing so, this judge

JAT000158

pg 2.

has determined that she is unable to address these motions, particularly as some relate directly to the payment and performance of the GAT.

The GAT has been a long-standing friend of this judge; she has vacationed with her, discussed personal matters in depth (including financial issues) and the GAT is the godparent to one of this judge's children.

The Court does not believe this conflict, under the circumstances as stated above, is one which can be waived.

The Court hoped to put this matter on the record and set this matter for trial before another judge; however, even that may be seen as inappropriate given the conflict over the GAT specifically.

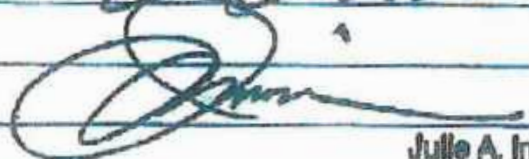
The wisest course for this judge, and in an attempt to

pg 3. provide the parties with the most unbiased and fair hearing, is to simply withdraw as the presiding justice in this matter with regret as to the delay this may cause to the parties.

ORDER:

1. Judge Julie Introcaso shall have no further involvement in this matter.
2. The Clerk shall expeditiously work with the parties to reassign this matter, resolve the pending motions, and schedule this matter for any further hearing.
3. No status conference will occur on March 19, 2019.

3/15/19

So Ordered.


Julie A. Introcaso

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03080

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>



NOTICE OF DECISION

FILE COPY



Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Enclosed please find a copy of the Court's Order dated April 26, 2019 relative to:
Order on Motion to remove GAL

Derby, M.

April 29, 2019

Sherry L. Blisson
Clerk of Court

(659304)

C: Jeffrey Leo Manganaro, ESQ; Robin Partello; Kathleen A. Stamenberg

DEPOSITION EXHIBIT

INTROCASO
17

The State of New Hampshire

Hillsborough County

Ninth Circuit Court - Family Division - Nashua - InterimIn the matter of: David Campbell and Robin PartelloDocket No. 65 9 - 2018 - 09 - 702


ORDER on #41, Motion to Remove GAL

Prior to ruling on the motion to remove GAL, the undersigned officer reviewed the October 24, 2018 Order Appointing GAL, the February 15, 2019 Order approving the Master's recommendation on the GAL's motion for instruction, the February 15, 2019 Order approving the Master's recommendation on the Motion to Strike, and the two March 12, 2019 orders re the GAL's fee cap and GAL payment method, as well as the relevant motions and objections.

Reviewing all of these matters de novo, the undersigned officer would have issued the same orders, though the respondent may pay the GAL by personal check (in addition to the other methods), though the respondent does not use personal checks.

Substantively, the motion to dismiss/remove GAL is denied. The respondent's allegations do not form a sufficient basis to terminate the GAL and start over, which would cost significant funds and waste judicial resources. The GAL's sole mission is to investigate and advocate for [REDACTED] and this may cause friction with the parents. That is a normal part of the process.

Motion denied.

Date: 4-26, 2019

Mark S. Derby, Judge
Ninth Circuit Court

JAI000114

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The State of New Hampshire Judicial Conduct Committee

603-427-9295

COVER SHEET
Docket No. JC-19-050-G

SEP 19 2019

(PLEASE PRINT CLEARLY)

Reporter's (Your) Name: ROBIN PARTELLMailing Address 97 E BROADWAY #7 DERRY NH 03038

Name of Person or Persons you are complaining against (Judge, Master, Clerk or other Official):

JUDGE JULIE INTROCASOCourt in which alleged judicial misconduct occurred 9th Circuit Family - NashuaDate(s) on which the alleged judicial misconduct occurred: Sept 2018 - March 2019

Names of parties in underlying action or suit (including Docket No(s))

David Campbell and Robin Partello dock # 1659-2018-Did you witness the alleged judicial misconduct? ☒ Yes ☐ No DM-00702If not, state briefly how you are affected by it. Judge Introcaso presided over my family law matter.

Having read the letter that accompanies this form, please describe briefly the nature of the judicial conduct about which you are complaining and summarize the supporting evidence. List the provisions of the Code of Judicial Conduct which you feel have been violated. (use a separate page if necessary).

see attached

I hereby swear or affirm under the pains and penalties of perjury that the information contained in this cover sheet; the accompanying report is true to the best of my knowledge; and, that I have read Supreme Court Rule 40 (3) and will abide by its provisions respecting confidentiality.

Date Sept 12, 2019Signature of Reporter Robin PartelloPlease mail to: NH Judicial Conduct Committee
132 Chapel Street, Portsmouth, NH 03801

Judicial Conduct Committee Complaint Form

9th Circuit Family Court—Nashua

In the Matter of David Campbell and Robin Partello

Case number: 659-2018-DM-00702

Name of Judge: Julie (Johnson) Introcaso

1. This matter came before the Nashua Family Division relative to the parties then four-year-old son, [REDACTED] (hereinafter referred to as [REDACTED]).
2. In September 2018, [REDACTED] reported to the Elliot Urgent Care Department that David Campbell had been sexually abusing him. [REDACTED] also informed his Mother that David Campbell had been sticking things in his butt. [REDACTED] also relayed that informed to the Child Advocacy Center—that his bad Dad had been putting things in his butt.
3. After the investigation started, the DCYF report David telling the social worker "who do I need to call? I know the police commissioner".
4. After DCYF recommended that David Campbell have no contact with the minor child, David, through his attorneys, Shaheen & Gordon, filed an Ex-parte motion.
5. The matter was initially assigned to Marital Master Bruce Dalpra, and MM Dalpra ordered that the minor child enter into counseling because David had interrogated the minor child, while recording it, with statements like "who touched your butt? Was it mommies neighbor? Was it Leto? Was it Leto's Dad? Was it someone that lives in mommies building?" [REDACTED] answered yes to all of this because he was interrogated in this manner for ten minutes by David.
6. Ultimately, [REDACTED] disclosed to medical providers, his Mother and the Child Advocacy Center that it was David Campbell that was sexually abusing him.
7. After the first hearing, MM Dalpra and Judge Introcaso assigned Kathleen Sternenberg as the Guardian ad Litem. The GAL abruptly started her investigation early, spoke with David and Shaheen and Gordon and asked for a blank release to speak with the minor child's therapist. The GAL then called the therapist and told him that she was appointed by the Court and that the therapist had to do therapy with both parents because David had 50/50 parenting rights. The counselor had never had a Guardian Ad Litem call and demand that counseling be conducted in a specific manner. In addition, [REDACTED] needed counseling because of the possible sexual abuse.
8. Robin filed motions with the Court describing this inappropriate behavior by the GAL and Judge Introcaso ordered that Robin had to fully cooperate with the GAL and failure to do so would result in sanctions and may be taken into consideration regarding the final issuance of a parenting plan. (See attached)
9. Judge Introcaso went on to rule on several motions pertaining to the GAL. The rulings were always in the GAL's favor and repeatedly granted motions to exceed the fee cap.
10. On March 15, 2019, Judge Introcaso scheduled an abrupt status conference for March 19th (four days away). Every party objected due to the fact that it was only four days

away and Judge Introcaso issued a written order, stating that she had to recuse herself because the GAL is her best friend, they travel together, they discuss finances, the GAL is a Godparent to her children, etc. (See attached order)

11. Judge Introcaso waited six months to disclose this and in her motion she said she never ruled on any substantive motions.
12. Judge Introcaso threatened to sanction me if I did not cooperate fully with her friend-- that is substantive.
13. Further, Judge Introcaso replaced Marital Master Dalpra with Judge Mark Derby.
14. Mark Derby served in the NH House of Representatives with David Campbell.
15. Judge Introcaso also donates to Jean Shaheen's campaign, whose husband's law firm represents David Campbell.
16. Currently, Judge Mark Derby sua sponte ordered that Robin Partello get a psych evaluation with Dr. Douglas Johnson in Manchester NH.
17. The reason for the psych evaluation was that Robin said mean things to David and the GAL, i.e. she called David old and said he looks like Dr. Phil.
18. Granted these are not the best choice of words, but it is certainly not enough for a psych evaluation with no arrest record, no history of mental illness, gainfully employed as a nurse, homeowner, veteran of the Air Force.
19. Judge Julie Introcaso has a maiden name of Johnson and is from Manchester NH. Robin is being sent to a Doctor Johnson in Manchester NH. This Doctor was suggested by the GAL, who is Julie Introcaso's best friend. The appearance of impropriety is overwhelming in this matter. It appears as though this is not a Court of Equity but rather a business for profit for the friends and family of Julie Introcaso. To date, the GAL has charged us about \$9000 and we had to send Dr. Johnson a \$3500 retainer and the psych eval may go upward to \$10000.00.

Judicial Conduct Committee Complaint Form

9th Circuit Family Court—Nashua

In the Matter of David Campbell and Robin Partello

Case number: 659-2018-DM-00702

Name of Judge: Julie (Johnson) Introcaso

Code of Judicial Conduct violations

CANON 1

A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

RULE 1.1 Compliance with the Law

RULE 1.2 Promoting Confidence in the Judiciary

RULE 1.3 Avoiding Abuse of the Prestige of Judicial Office

CANON 2

A judge shall perform the duties of judicial office impartially, competently, and diligently.

RULE 2.1 Giving Precedence to the Duties of Judicial Office

RULE 2.2 Impartiality and Fairness

RULE 2.3 Bias, Prejudice and Harassment

RULE 2.4 External Influences on Judicial Conduct

RULE 2.5 Competence, Diligence, and Cooperation

RULE 2.6 Ensuring the Right to Be Heard

RULE 2.7 Responsibility to Decide

RULE 2.8 Decorum, Demeanor, and Communication with Jurors

RULE 2.9 Ex Parte Communications

RULE 2.10 Judicial Statements on Pending and Impending Cases

RULE 2.11 Disqualification

RULE 2.12 Supervisory Duties

RULE 2.13 Administrative Appointments

CANON 3

A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

RULE 3.1 Extrajudicial Activities in General

RULE 3.5 Use of Nonpublic Information

RULE 3.7 Participation in Educational, Religious, Charitable, Fraternal, or Civic
Organizations and Activities

RULE 3.8 Appointments to Fiduciary Positions

RULE 3.11 Financial, Business, or Remunerative Activities

RULE 3.12 Compensation for Extrajudicial Activities

RULE 3.13 Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other

Things of Value

RULE 3.14 Reimbursement of Expenses and Waivers of Fees or Charges

RULE 3.15 Reporting Requirements

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

**ROBIN PARTELLO
97 EAST BROADWAY
APT 7
DERRY NH 03038**

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Please be advised that on February 15, 2019 the Court made the following Order relative to:

Motion for Instruction; A and B are granted. Respondent shall fully cooperate with the GAL. Failure to do so may result in sanctions and may be taken into consideration regarding the issuance of a final Parenting Plan.

(MM. DalPra/J. Introcaso)

February 21, 2019

Sherry L. Bisson
Clerk of Court

(948)

C: Kathleen A. Stemenberg; Tracey G. Cote, ESQ

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03080

Telephone: 1-855-212-1234
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<http://www.courts.state.nh.us>

NOTICE OF DECISION

**ROBIN PARTELLO
97 EAST BROADWAY
APT 7
DERRY NH 03038**

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Please be advised that on February 15, 2019 the Court made the following Order relative to:

Motion for Reconsideration; Denied.

(MM. DalPra/J. Introcaso)

February 21, 2019

Sherry L. Bisson
Clerk of Court

(948)

C: Kathleen A. Sternberg; Tracey G. Cota, ESQ

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

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30 Spring Street, Suite 102
Nashua NH 03060

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<http://www.courts.state.nh.us>

NOTICE OF DECISION

**ROBIN PARTELLO
97 EAST BROADWAY
APT 7
DERRY NH 03038**

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Please be advised that on February 15, 2019 the Court made the following Order relative to:

**Petitioner's Motion to Strike Respondent's Motion for
Reconsideration as Untimely; Denied as to A.**

(MM. DalPra/ J. Introcaso)

February 21, 2019

Sherry L. Bisson
Clerk of Court

(948)

C: Kathleen A. Sternberg; Tracey G. Cote, ESQ

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2984
<http://www.courts.state.nh.us>

NOTICE OF HEARING

**ROBIN PARTELLO
87 EAST BROADWAY
APT 7
DERRY NH 03038**

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

The above referenced case(s) has/have been scheduled for:

Status Conference

GAL may appear telephonically

**Date: March 19, 2019 30 Spring Street
Time: 3:00 PM Nashua, NH 03060
Time Allotted: 1 Hour Courtroom 5 - 9th Circuit Court - Nashua**

Please advise immediately if this is not sufficient.

If you are unable to appear at this scheduled hearing, you must request a continuance from the Court in writing which, except for good cause shown, shall be filed within ten (10) days from the date of the mailing of the notice of a hearing. You must also send a copy of the request to the opposing party, unless restricted from doing so. Motions to continue filed fewer than 10 days in advance of hearing will only be granted if the Court finds that an emergency or exceptional circumstance exists. You must appear on the scheduled date unless you receive notification from the Court that a request to continue the hearing has been granted. There are no child care facilities at the courthouse, so you should make appropriate child care arrangements.

Should you fail to appear at the hearing, all issues raised by the pleadings may be decided by the court without your participation.

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately.

Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625.11, V in a courtroom or area used by a court.

BY ORDER OF THE COURT

March 12, 2019

**Sherry L. Bisson
Clerk of Court**

579

C: Kathleen A. Sternenberg; Jeffrey Leo Manganaro, ESQ; Tracey G. Cote, ESQ

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
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<http://www.courts.state.nh.us>

NOTICE OF DECISION

**ROBIN PARTELLO
97 EAST BROADWAY
APT 7
DERRY NH 03038**

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Enclosed please find a copy of the Court's Order dated March 12, 2019 relative to:

**Further Motion for Instruction Regarding GAL Supplemental
Retainer Payment by Robin Partello
"Legal fees/GAL fees to be paid in Cash, by Money Order or
Bank Check, ONLY".**

So Ordered

Introcaso, J.

March 12, 2019

**Sherry L. Bisson
Clerk of Court**

(579)

C: Kathleen A. Stemenberg; Tracey G. Cote, ESQ

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT**

9th CIRCUIT - FAMILY DIVISION - NASHUA

CASE NO: 659-2018-DM-00702

2019 MAR -1 A 11: 12

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

**FURTHER MOTION FOR INSTRUCTION REGARDING
GAL SUPPLEMENTAL RETAINER PAYMENT BY ROBIN PARTELLO**

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue a further order to instruct Robin Partello to pay the GAL via check, money order or cash payment immediately and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED], DOB [REDACTED].
2. Although this court ordered that Robin Partello pay the Guardian ad Litem within seven days of its recent order, the Guardian ad Litem has not received the \$350 second retainer amount in a form acceptable to the GAL.
3. Robin Partello has apparently sent electronic funds to Apple Pay and insists that the GAL accept these funds.
4. The GAL does not accept Apple Pay and does not have Apple Pay connected to her client trust account.
5. The GAL has repeatedly informed Robin Partello that she does not accept electronic payments for retainers.
6. The GAL has informed Robin Partello that she needs to either send a check or money order or arrange a time to meet the GAL to give her cash.
7. Robin Partello has refused to do so.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Order Robin Partello to pay the GAL retainer in the amount of \$350 by cash, by check or by money order and to either mail the check or money order to the GAL's business address or to arrange to meet the GAL at the NH Bar Association offices with a cash payment; and
- B. Grant such other relief as may be fair and just.

Respectfully submitted,


Dated: February 28, 2019



Kathleen A. Sternberg, Esq., NHB#8849
Law Office of Kathleen A. Sternberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternberglaw.com

Certificate of Service

I, Kathleen A. Sternberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.



Kathleen A. Sternberg

3/12/19 -

Legal fees / GAL fees
to be paid in cash,
by money order or
bank check, ONLY.

So Ordered.



Julie A. Introcaso

Kathleen Sternenberg

From: Robin Partello <robinpartello@yahoo.com>
Sent: Tuesday, February 26, 2019 5:16 PM
To: Kathleen Sternenberg
Subject: Re: I do not accept Apple Pay

CLERK OF COURT
OFFICE OF NASHUA

2019 MAR -1 A 11:12

Yes, I fully understand. Everyone is set up for Apple Pay if you have an Apple phone.

You take the funds that I sent you and deposit it into your IOLTA.

Quite honestly, you are the first attorney that I've ever met that doesn't take electronic payments and does not have an office.

I did my part. I sent the money. You have it available. It's not my obligation to drive to Concord NH to drop off cash when you may not be there. The office staff at the N.H. Bar Association already refused to sign a statement as a witness. They said they don't work for you. You're putting me in a tough spot.

I'll just file with the Court for instruction.

Sent from my iPhone

> On Feb 26, 2019, at 4:52 PM, Kathleen Sternenberg <kas@sternenberglaw.com> wrote:

>

> Ms. Partello,

>

> Please arrange to bring me \$350 cash at the NH Bar Association. I can not accept Apple Pay. I do not have it set up. This money is deposited in to my Client Trust account. It is not my money, as you know. I would appreciate your understanding.

>

> Kathleen A. Sternenberg, Esq., #8840

> Law Office of Kathleen A. Sternenberg

> P. O. Box 2288

> Concord, NH 03302-2288

> (603)641-1048

> kas@sternenberglaw.com

>

>> On Feb 26, 2019, at 4:45 PM, Robin Partello <robinpartello@yahoo.com> wrote:

>>

>> Apple Pay is the most secure source of electronic payment. I sent the exact amount of money that you requested and it was available to you instantaneously.

>>

>> Kathleen, honestly, you asked for a \$350, I sent it and it was immediately available. Instead, you email me and tell me to go to a bank, get a money order, go to a Post Office and mail it with "tracking".

>>

>> As I told you before, you don't have a business office, I can't drop off cash like I did the last time when we met at the N.H. Bar Association conference room. Mailing a money order is like mailing cash, it's never a good idea.

>>

>> I sent you the exact amount that you requested. You have the \$350. I will file a motion with the Court for instruction as it seems ludicrous that you won't accept such a secure form of payment. You are essentially tying my hands behind my back. I don't use checks. You don't have an office & you don't accept electronic payments.

>>

>> I'll file a Motion to Inform the Court.

>>

>> Sent from my iPhone

>>

>>> On Feb 26, 2019, at 2:24 PM, Kathleen Sternenberg <kas@sternenberglaw.com> wrote:

>>>

>>> Please go to the post office, purchase a money order and mail it to me. If you would like, you can send it with tracking. I do not, and will not, accept Apple Pay for retainer deposits.

>>>

>>> Kathleen A. Sternenberg, Esq., #8840 Law Office of Kathleen A.

>>> Sternenberg P. O. Box 2288 Concord, NH 03302-2288

>>> (603)641-1048

>>> kas@sternenberglaw.com

Kathleen Sternenberg

From: Robin Partello <robinpartello@yahoo.com>
Sent: Tuesday, February 26, 2019 9:12 AM
To: Kathleen Sternenberg
Subject: Re: Following up with you.

I sent it electronically. Honestly, you only accept checks, which I don't use and haven't for years. I can get a money order but I don't want to mail it as it's the same as cash. You don't have an office so I couldn't even drop off the money order or cash.

Additionally, I'd prefer to have a record of my payment. Further, have you sent a recent invoice? I have not received it.

Sent from my iPhone

On Feb 26, 2019, at 8:08 AM, Kathleen Sternenberg <kas@sternenberglaw.com> wrote:

Robin,

You told me that you would send me the \$350 retainer. I have not received your payment. Is this something you have sent?

Kathleen A. Sternenberg, Esq., NH Bar #8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302
(603)641-1048 phone
kas@sternenberglaw.com

From: Robin Partello [<mailto:robinpartello@yahoo.com>]
Sent: Tuesday, February 26, 2019 7:24 AM
To: Kathleen Sternenberg
Subject: Re: Following up with you.

Kathleen:

I am in the process of obtaining an attorney. Although I would love to answer your questions, I await for my counsel to advise.

Due to the voluminous case file, it will take three to five business days for the attorney(s) to review.

I DO NOT assent to your motion to exceed the cap.

Sent from my iPhone

On Feb 25, 2019, at 1:04 PM, Kathleen Sternenberg <kas@sternenberglaw.com> wrote:

2/25/2019

Hi, Robin,

I have not received your retainer check.

I have a couple of things that I would like to hear directly from you about. I would ask that you respond to these questions in writing, please.

1. When we originally sat down, I believe you told me that you had never been married. I would like to have you confirm this as when I asked your parents, they said you had been married to a man named Jeff. Please provide Jeff's full name and the dates of your marriage and how the marriage ended and date of separation and divorce. I would like to understand from you what the circumstances of the divorce were.
2. Also, when we met, I believe you told me that you moved from your parents' home to your Derry condo. You told me that you did not live anywhere in between. It is my understanding that there were several months between when you left your parents' home and when you were able to move in to your Derry condo after the tenant's vacated. Could you please tell me where you lived between June and September? It is important to me to know and understand where [REDACTED] has lived.
3. Would you also clarify for me if you have had any boyfriends, companions or significant others during [REDACTED] lifetime? I had asked you about the nature of the relationship with Russ, your neighbor, and I believe that you said that Russ was just someone who allowed you and [REDACTED] to use his bathroom while he was at work. However, I have information that [REDACTED] may have been around Russ and Russ may have disciplined him and that Russ may have provided you transportation. I would like to better understand the nature of this relationship and any other relationship where the man has been in contact with your son for any length of time and has gotten to know him. I understand from David that there was someone who used to go to the sports activities with you to watch [REDACTED]?
4. Could you also provide me with your work schedule for the past several months? I would like to confirm exactly what your hours are and what days and times during each 7 day period.
5. I would like to better understand where [REDACTED] stays during your work hours. I know that your parents have mentioned that he is sometimes with them. I know that [REDACTED] spends some time with David. Before this current court order, where was [REDACTED] when you were working? Please tell me any and all places where he would have been watched. I would like to better understand where [REDACTED] has stayed throughout this case.

Thank you for your answers to these specific questions.

Finally, it is clear to me that it will be necessary for me to exceed the fee cap in order to prepare my report and to testify at the final hearing. I will be filing a motion to exceed and would very much appreciate your assent. Please let me know if you assent to this filing. Thank you.

Kathleen A. Sternenberg, Esq., NH Bar #8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2064
<http://www.courts.state.nh.us>

NOTICE OF DECISION

**ROBIN PARTELLO
97 EAST BROADWAY
APT 7
DERRY NH 03038**

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Enclosed please find a copy of the Court's Order dated March 12, 2019 relative to:

Motion to Exceed Fee Cap

"Motion granted over the Respondent's objection at #36".

Introcaso, J.

March 12, 2019

**Sherry L. Bisson
Clerk of Court**

(579)

C: Kathleen A. Sternberg; Tracey G. Cote, ESQ

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT**

9th CIRCUIT - FAMILY DIVISION - NASHUA

2019 MAR - 1 A 11: 12

CASE NO: 659-2018-DM-00702

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

MOTION TO EXCEED FEE CAP

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue allow the Guardian ad Litem to exceed the fee cap by an additional \$1,000 and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED], DOB [REDACTED].
2. This matter has involved allegations of inappropriate contact with the child and a police investigation and DCYF investigation.
3. The GAL has filed multiple pleadings, prepared for and attended hearings, and has received and replied to ongoing daily email exchanges, phone calls, arranged and attended in person meetings, home visits at both homes, had multiple contacts with the child's school, pediatricians, therapist; and has received police, DCYF and medical records and met with police and had contacts with DCYF.
4. The GAL has used the initial retainer and supplemental retainer¹ as of her billing this week.
5. The GAL anticipates that within a month, she will need to write and file a comprehensive report and to testify at the upcoming contested hearing.
6. The GAL has informed both parties of her intent to file this motion.
7. David Campbell has assented to this motion.
8. Robin Partello objects to this motion.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Allow the GAL's motion to exceed the fee cap in the amount of \$1,000 and order

¹The GAL has not received Robin Partello's portion of the supplemental retainer as of this writing.

the parties to the GAL, the additional percentage of the retainer within fourteen days of the order; and

B. Grant such other relief as may be fair and just.

Respectfully submitted,

Dated: February 28, 2019

Kathleen A. Sternenberg
Kathleen A. Sternenberg, Esq., NHB#8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.

Kathleen A. Sternenberg
Kathleen A. Sternenberg

Motion _____ Granted / Denied _____
Date 3-12-19
[Signature]
Judge Julie A. Lefebvre

over the
Respondent's
objection at
36

AUG 13 2019

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: 9th Circuit - Family Division - NashuaCase Name: ITMO Campbell and PartelloCase Number: 659-2018-DM-00702
(if known)MOTION: Objection to GAL's request to

Robin Partello exceed fee cap
state the following facts and request the following relief:

- ① I do not have the money to pay the GAL.
② In terms of the psych evaluation that the GAL is anxious about, I intend on filing an interlocutory appeal on that issue.
③ In terms of pleadings, I mail a copy of all of my pleadings to the Shaheen & Gordon firm and the GAL maybe the GAL's copy got lost in Aug 13, 2019 the mail.

Date

Telephone

I certify that on this date I provided a copy of this document to

Aug 13, 2019 603-417-9003
Amey Cole (other party's attorney) by: ☐ Hand-delivery OR ☒ US Mail OR
☐ E-mail (E-mail only by prior agreement of the parties based on Circuit Court Administrative Order)

Date

Signature

Address

Signature

ORDER

☐ Motion granted.☐ Motion denied.

Recommended:

Date

Signature of Marital Master/Referee

Printed Name of Marital Master/Referee

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date

Signature of Judge

Printed Name of Judge



1/10/2020

Attorney Mittelholzer -

I apologize for the clunky attachments, I assumed it would be easier to copy with clips.

Thank you again for your patience and courtesy in my response to this matter.

Best to you,

Julie


Julie A. Introcaso

New Hampshire Judicial Conduct Committee
c/o Robert T. Mittelholzer, Esq.
Executive Secretary
132 Chapel Street
Portsmouth, NH 03801

January 9, 2020

RE: JC-19-050-C

To the Honorable Committee:

As an introductory matter, I would first like to state that I don't consider myself as ever having "presided over"¹ this case as Ms. Partello suggests on her Cover Sheet.¹ I am not a Supervisory Justice and do not have any authority to assign cases.² Few cases are ever actually "assigned" to any particular Judge, and when they are -- the judge is almost always informed of such. I have never conducted a hearing involving the opposing parties in this case.

Prior to her suspension from the practice of law, Ms. Partello had acted as counsel on a number of cases in which I was involved; less than 10, and in most of those matters I signed agreements without any hearing. She acted as counsel in one highly contested matter before me. I believe my last involvement with any case where she had entered an appearance as counsel was in 2013.

I recently had an opportunity to review the entire court file in 659-2018-DM-702 through the date of Ms. Partello's complaint (dated September 13, 2019). This review started on January 2, after my return from medical leave on December 16th, 2019, and I appreciate the additional time this Committee has given me to respond to her complaint.

In reviewing what I have been given, it is obvious I personally issued three orders on motions which were in the general "signing pile" for marital and parenting case; two dated March 12, 2019 (#34 and #35), and one handwritten order dated March 15, 2019 (#38). Notices of Decision were issued the same day in which I signed the documents. The Case Summary, in pertinent part, has been provided for your review (See Exh. A; Case Summary as of October 29, 2019)

With respect to the other Orders referenced by Ms. Partello, those were orders issued upon the recommendation of Marital Master Bruce DalPra (#4, #11, #12, #29, #32 and #33). (attached as Exhs. B-G)

¹ Please see Exh. K, wherein I regrettably used the term "presiding judge" on page 3 after it became clear the Master Bruce DalPra would be unable to complete the case due to his reassignment and the file was frequently presented to me for signing; I was concerned I was now seen as the judge who would handle and try the case.

² Again, see Exh. K, wherein I make clear in my Order at #2, that the Clerk is in charge of assigning cases for hearings and trials, and I ordered the Clerk to do so.

#4 – I co-signed a recommendation on an ex parte emergency order prior to the involvement of Kathleen Sternenberg, GAL, the person with whom I have acknowledged I have a conflict of interest. See Exh. B.

#11 – On October 24, 2018, Master DalPra recommended the appointment of a GAL in this matter. He chose the GAL without any consultation with me, and it would be unusual for him to do so. He is more experienced than I, and has a past history which allows him to select a Guardian *ad litem* whom he believes would be appropriate for any particular case. I co-signed the third page of the Order on Appointment of Guardian *ad litem*, recognizing the content of page three as part of an appointment order, and likely did so without ever looking to see who he had appointed on page one. My “judicial signing” often includes co-signing responsibilities. It is the routine practice of the clerk’s office to place a “SIGN HERE” sticker where they would like my signature. I comfortably co-signed a recommendation on a GAL appointment by Master DalPra stating:

I hereby certify that I have read the recommendations and agree that, to the extent the marital master/referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/referee/hearing officer.

Ms. Partello is correct in asserting that I co-signed the Order on Appointment, appointing Kathleen A. Sternenberg as GAL in this divorce case. However, I did not make the decision to appoint her, and at the time it appeared that Master DalPra would continue to hear the substantive matters in this case. Further, the Court usually doesn’t make “factual findings,” *per se* in appointing a GAL. See Exh. C.

#12 – On that same date, I co-signed a narrative order written by Master DalPra which included factual findings, including his appointment of GAL Sternenberg. I acknowledge, in retrospect, that I should have read both #11 and #12 in greater detail, and then I could have taken steps to assure that I would not be involved in more issues that arose in this matter. I was the only full-time marital and parenting judge in Nashua at the time. I had a master and referee also issuing orders, virtually all of which passed through me, and there simply isn’t enough time read every order coming out of Nashua Family Division in detail. Basic orders recommended by Master DalPra or Referee Thorn, whose judgment I not only trust, but rely upon often, were usually signed without the most diligent review. Unfamiliar with this case, it appeared to me that Master DalPra would likely continue to be the trier of fact in the case, and I would have no direct contact with the parties, GAL Sternenberg or make any substantive rulings in the case. See Exh. D.

Then, Master DalPra was reassigned to the Salem Family Court. That transition took some time as a new judge had been assigned to sit in Nashua late in 2018, namely Judge Mark Derby. Judge Derby would be walking into the cases and caseload left behind by Master DalPra. Judge Derby began making all of the direct rulings and orders in this case.

#29 – A Motion to Reconsider was filed by Ms. Partello on January 28, 2019. Sometime on February 15, 2019, Master DalPra denied the motion. I had three hours open on my afternoon docket

and likely went to work on the signing pile. Judge Derby had been sitting in Merrimack Circuit Court both February 14 and 15, 2019, so in an attempt to help reduce the number of cases piling up, I approved Master DalPra's denial, again, believing he knows the standard for accepting or denying a Motion to Reconsider. I did not have any recollection or see any indication of GAL Sternenberg's involvement in the case at that point. In fact, the page upon which I co-signed, the certificate of service does not indicate that the motion was sent to Attorney Sternenberg, her name was not in the motion and nothing caught my eye. I co-signed Master DalPra's recommendation. See Exh. E.

#32 – A motion for instruction was filed by GAL Sternenberg on February 7, the substance of which I glanced through. There was no doubt I was aware of Attorney Sternenberg's role in this case at that time. More particularly, I read Master DalPra's recommended ruling dated February 15 stating, "A+B are granted. Respondent shall fully cooperate with the GAL. Failure to do so may result in sanctions and may be taken into consideration regarding the issuance of a Final Parenting Plan." I co-signed, generally holding the same position as Master DalPra with respect to having party cooperate with Guardians *ad litem* appointed by the Court. Although it speaks of the possibility of sanctions, his recommendation did not impose any. With respect to the GAL, the recommendation merely ordered the Respondent to comply with earlier orders for payment of the retainer. This was not a "substantive order" in the case, and did not resolve any specific legal issue in the case itself.

#33 – On February 8, 2019, the Respondent filed a motion to strike Ms. Partello's Motion to Reconsider filed in January. Master DalPra recommended a denial (also on February 15, 2019). I co-signed his denial. See Exh. G.

(I don't believe Ms. Partello noticed or took issue with my signatures on #29, #32 and #33). I included them as I noticed them in my review of the court's file.)

Then, on March 12, 2019, two motions were placed into the signing pile for a judge's review, #34 and #35. Again, Judge Derby was in Merrimack District Court on that day, and Master DalPra was in Jaffrey Family Division. As usual, I addressed all of the Divorce and Parenting signing that day.

#34 – On March 1, 2019, GAL Sternenberg filed a Motion to Exceed Fees. The requested relief asked for an additional retainer from both parties. The volume of the case itself already indicated it was highly a contested matter. On March 12, 2019, I granted the motion to exceed fees (over the Respondent's objection) which would apply equally to each party. See Exh. H

#35 – On March 1, 2019, the GAL Sternenberg also filed another Motion for instruction regarding the payment of her fees. Apparently, Ms. Partello had asked the GAL to accept payment through ApplePay. GAL Sternenberg represented in her motion that she could not accept ApplePay. I issued an order simply stating, "Legal fees/GAL fees to be paid in cash, by money order or bank check only." Again, I didn't write this order specifically directed to Ms. Partello or with any concern that it would impact the outcome of this case; rather, I was simply stating what I believed was a generally accepted practice of payment. The Court itself does not accept ApplePay, Bitcoin, Venmo or other alternate forms of tender. Notices of Decision were issued that day to both parties indicating that I had made such rulings. See Exh. I.

After issuing these orders, #34 and #35, rather than just co-signing orders of the Master, I became uncomfortable addressing any issues in this case, and asked the Clerk to schedule a Status Conference in this case for the purpose of disclosing to the parties that Master DalPra would likely be unavailable for trial (due to his new assignments in other courts) and that I, also, would not be able to handle this matter because it appeared by that time that the parties were not fighting over the role and work of the GAL, what she should be paid, etc. It was also a possibility (I hoped) that after that hearing wherein I would voluntarily disclose the nature of the conflict, that the parties could have expressed, on the record, that they had no concern over previous orders in the case.

The Notice of Hearing for the Status conference issued on March 12, 2019, along with my decisions on #34 and #35. I did not ask the Clerk to hold my decisions, because I was going to offer the parties to ask me to formally recuse myself and vacate my prior orders at the Status Conference.

#38 – On March 15, 2019, the Petitioner filed a Motion to Continue the Status Conference and to Clarify the purpose of the Conference. See Exh. J. Apparently counsel had a scheduling conflict but I also realized that I should not even hold the conference being aware of the potential conflict, and recognizing that the recent orders were still subject to reconsideration, etc. I decided to simply explain to BOTH parties that I needed to recuse myself at this point.

Of my own volition, I issued an Order dated March 15, 2019, addressing #38. I ask that it be read in its entirety. Again, to the best of my knowledge, no party had questioned my co-signing or orders until well after that handwritten order issued. See Exhibit K.

Within that order I indicated that “[The motion (#38) is GRANTED]. I probably shouldn’t have even done that (and stated so in the order), but I did explain to the parties why I had scheduled the conference in some detail, while issuing an order recusing myself, asking the clerk to reassign the matter, and cancelling the status conference I had scheduled. The motion was granted not for the benefit of the Petitioner, but in recognition of this Respondent’s own decision to recuse herself. No motion to recuse me from co-signing or issuing any orders was ever filed at that point.

The Notice of Decision indicating #38 was GRANTED, along with a copy of my handwritten order. Also, on that same day the head clerk in our Family Division scheduled the trial in this matter before Judge Derby (on non-consecutive days as he worked in two different courts as I stated earlier). See Exh. L. I personally marked the file with a bold, Sharpie pen, “NO JAI” so that I would hopefully see that before ever opening a file to the page marked “Sign here.” Sometimes the staff takes care of that by checking our conflicts list we provide to them.³ It wasn’t done here by myself or the staff after GAL Sternenberg was appointed, leading to various other matters being given to me for signatures.

³ My conflicts list has 3 attorneys on it. After 7 plus years on the bench assigned to Nashua only, one of them has never come to Nashua, a second has come less and less as she heads towards retirement and none of her appearances have been before me. Attorney Sternenberg has served as a GAL in one, perhaps two cases of my own, only after the parties have requested her appointment and I made full disclosures on the record. We have spoken to one another very few times in the past seven years, and rarely with respect to my work, obviously never

After my handwritten order, Ms. Partello moved to recuse the GAL. The Petitioner objected and stated, through counsel,

[the] only contact the GAL has had with this Court has been through motions for further instruction and to exceed the fee cap. This matter was assigned to Master DalPra who has entered orders on substantive pleadings. As the Court pointed out in its March 15, 2019 Order, no substantive motions were directly ruled upon by Judge Introcaso. Many orders were approved by Judge Derby. When Judge Introcaso became involved, the Court identified the conflict of interest before any substantive decisions were made directly by her, thereby stopping any alleged bias from trickling down to the GAL or the parties." Again, See Exh. J.

To some extent, I appreciate the recognition of what is, essentially, my general defense to Ms. Partello's complaint. However, I cannot deny that, in retrospect, my rulings and signatures may have created an impression with Ms. Partello that some impropriety on my behalf occurred, although I do not believe I committed any knowing or intentional violation of the Code.

The Court's signing pile most often includes administrative or procedural matters that require any judge's review and signature. Some are motions without objections, some are agreements, some are requests for waivers of court fees, many of them are orders issued by the Master or referees, etc. Orders needed by a particular judge are put in a designated pile for that court official.

I do not know any of the underlying facts of this case, again I have held no hearings in this case. The issues I became involved were limited in scope, not substantive in nature, and I didn't hesitate to co-sign the recommendations of Master DalPra. I saw this case every few months in a signing pile which had largely become my responsibility having no Family Division judges assigned to Nashua on a daily basis, other than myself. I co-signed in 2019 for a nearly full-time master, a child support referee, senior justices, and all other general matters. It was not until Judge Derby became settled in Nashua and proficient in early 2019 that he shared that responsibility with me on the days he was in Nashua.

I confess error in not being more attentive to who was being appointed, etc. in this file. I tried to be helpful and efficient to my own detriment. ("No good deed goes unpunished.") I acknowledge my order of March 15, 2019, should have been issued back in October 2018; it simply wasn't, and no requests by the staff for co-signing or a ruling was of such a nature that made me concerned. Only after my orders on #34 and #35 were issued did I realize I needed to take affirmative action on the case, recusing myself, concerned that Master DalPra's reassignment would lead to more and more occasions wherein I would be asked to become involved. I hoped I could remain available to assist by disclosing my conflict and obtaining waivers on the record. I took the prudent steps I could on March 15, 2019, and haven't been involved in this case since.

with respect to this case or any other in which she became involved. I suspect the staff has simply stopped checking for my conflicts as it has never been an issue or problem in my caseload.

Post Script: In reviewing the file, even beyond March 15, 2019, it is clear that the question of the propriety of my actions was raised in a subsequent hearing on the removal of the GAL. Kindly, and without any knowledge of MS. Partello's eventual complaint, Judge Derby issued an order stating:

Prior to ruling on the motion to remove GAL, the undersigned officer reviewed the October 24, 2018 Order appointing GAL, the February 15, 2019 order approving the Master's recommendation on the GAL's motion for instruction, the February 15 2019 order approving the Motion to Strike, and the two March 12, 2019 orders re GAL's fee cap and GAL payment method, as well as the relevant motions and objections. Reviewing all of the matters de novo, the undersigned officer would have issued the same orders...

Again, I don't intend to suggest that this constitutes exoneration, but it reflects the reality of this case. I may have made rulings which appear to Ms. Partello, or any person, to be improper due to a conflict of interest; but there was no act on my part that resulted in any bias towards either party or prejudiced the outcome of this case. Further, I did nothing which benefitted GAL Sternenberg or acted in any manner inconsistent with what I believe is routinely done in these high conflict cases. See Exh. M.

IN DIRECT ANSWER TO THE ALLEGATIONS:

1. – 6. I have no knowledge of the facts of this case.

7. As stated above, Master DalPra recommended the appointment of a GAL in this matter. He chose the GAL without any consultation with me, and it would be unusual for him to do so. He is more experienced than I, and has a past history which allows him to select a Guardian *ad litem* whom he believes would be appropriate for any particular case. I co-signed the third page of the Order on Appointment of Guardian *ad litem* (likely tabbed "Sign Here"), perhaps without ever looking to see who he had appointed.

8. Again, my Order with respect to this allegation was an approval of the recommendation of Master DalPra of whom I am confident has the expertise to make such orders and to do so only when they are appropriate and necessary.

9. I did, indeed, go on to sign two orders as a matter of routine signing. However, I such ruling were made "in favor" of the GAL. They were routine, frequently filed motions, and the Court generally is supportive of the GAL's work and attempts to assure they are paid fairly in accordance with their ethics and the terms of their GAL Stipulation.

With respect to the March 12, 2019, my order on pleading #34, the Court received this motion in the routine signing pile. It was an impartial assessment, affecting each party equally. On #35, I ordered that payment of the GAL fees must be made in the form of cash, bank check or money order. I honestly found no reason to withhold issuing the order that I did as it was not about Attorney Sternenberg, Ms. Partello, or any other individual. No one stood to be enriched or advantaged by my

ruling. It was intended as a general statement of this Court consistent with every other order I issue with regard to payments. It was not, in content, addressed to Ms. Partello.

10. The allegations with respect to my March 15, 2019, order I'd respectfully note that this order was not included in the complaint I received (despite the language in Complainant's para. 10 stating "See Order attached.") However, when the issue of the appropriate amount of fees Attorney Sternenberg could charge in the case became an issue, I acted immediately to indicate I should no longer make any rulings in this case. The status conference was intended to speak to counsel and the parties directly and move the case forward with another, unbiased, judge avoiding any substantive rulings. If they wished to challenge my rulings to date, they would have the ability to do so.

The Committee can see I never used the term "best friend" in my Order of March 15, 2019. GAL Sternenberg and I have known each other for many years, but talk very rarely at this point – yearly? Approximately 18 years ago, we attended an out-of-town theater festival on two or three occasions; we have discussed personal matters in depth, including financial issues. We were walking buddies in the late 1990s, and mostly discussed our own personal struggles with husbands, kids and the struggles of practicing in a small firm. I asked GAL Sternenberg and her husband to act as godparents to my daughter, Catherine, in 1998, as she was one of the only practicing Catholics with whom I associated during that time. I included GAL Sternenberg on my conflict list in 2012, with a never-ending hope that we will resume a closer friendship at some point, particularly now that our parenting schedules are empty. Regrettably, this job has proven to be too time consuming for many friendships at all. I haven't even seen the GAL's "new home" in Hopkinton since it was built nearly 12-15 years ago.

11. I had no opportunity to "disclose" the fact that I have had a personal relationship with Attorney Sternenberg, but for perhaps marking the file "NO JAI" sooner than I did. The case was opened sometime in the fall of 2018. To state I waited six months to disclose is misleading as I had no

12. I co-signed Master DalPra's order that stated "...Failure to do so may result in sanctions...." Those are not my words and that was not my decision, it was the Master's decision recommended to me. He heard the facts and made that statement. Understandably, it is ultimately my "Order", but again my co-signing merely states that "I hereby certify that I have read the recommendations and agree that, to the extent the marital master has made factual findings, he has applied the correct legal standard to the facts determined by the marital master..."

13. Denied. I have no such authority. Master DalPra was reassigned by Judge King to sit in Derry District Court for most of 2019. Judge Derby picked up nearly all of the cases Master DalPra was handling in Nashua. No judge or clerk ever consulted with me about the "assignment" of this case.

14. I have no knowledge of this fact.

15. Denied and misleading. I made a one-time, rather paltry, donation to Gov. Shaheen's senatorial campaign while attending a house party given for her support. I don't know if that was in 2002 or 2008, but it was many years before I became a judge or judicial candidate for this position (2012). I do not

recuse myself from Shaheen and Gordon cases as I do not consider that donation as having created a any conflict of interest.

16. I have no knowledge of the facts of this case.

17. I have no knowledge of the facts of this case.

18. Argumentative; I can't confirm or deny the facts asserted.

19. I am familiar with Dr. Doug Johnson's work, and I have appointed him for a specific purpose in my one of own former family law cases. Yes, my maiden name is Julie Ann Johnson. Needless to say, the fact that the doctor's last name is Johnson is a baseless stretch of the imagination. I have no knowledge of any familial connection nor do I have any personal relationship with Dr. Johnson. Johnson is the second most common surname in the US.

I submit that I have committed no violations of the Judicial Code of Conduct despite Ms. Partello's beliefs.

RESPECTFULLY, I ask this Committee to accept this Response for the purposes of Supreme Court Rule 40(7).

I hereby swear or affirm under pains and penalties of perjury that the information contained in this Response, along with the accompanying attachments, are true statements and accurate copies to the best of my knowledge.

Date: January 10, 2020


Judge Julie A. Introcaso

*This instrument was acknowledged before me on
January 10, 2020 by Judge Julie A. Introcaso
My Commission Expires 2/20/2024 Susan M. Grind
Notary*

9th CIRCUIT - FAMILY DIVISION - NASHUA

CASE SUMMARY

CASE NO. 659-2018-DM-00702

In the Matter of David Campbell and Robin Partello

§
§
§
§Location: 9th Circuit - Family Division
Nashua
Filed on: 10/12/2018

(A)

CASE INFORMATION

Case Type: Individual Parenting Petition

Case Status: 10/12/2018 Pending

DATE**CASE ASSIGNMENT****Current Case Assignment**Case Number: 659-2018-DM-00702
Court: 9th Circuit - Family Division - Nashua
Date Assigned: 10/12/2018**PARTY INFORMATION****Petitioner**Campbell, David
10 East Dunstable Road
Nashua, NH 03060**Attorneys**Cote, Tracey G., ESQ
Retained
603-225-5112(F)
603-225-7262(W)
Shahen & Gordon PA
107 Stars Street
PO Box 2703
Concord, NH 03302-2703
tcote@shahengordon.comManganaro, Jeffrey Leo, ESQ
Retained
603-225-5112(F)
603-225-7262(W)
Shahen & Gordon PA
107 Stars St
PO Box 2703
Concord, NH 03302-2703
jmanganaro@shahengordon.com**Respondent**Partello, Robin
97 East Broadway
Apt. 7
Derry, NH 03038**Child****Guardian ad Litem**Sternenberg, Kathleen A.
Law Office of Kathleen Sternenberg
PO Box 2288
Concord, NH 03302**DATE****EVENTS & ORDERS OF THE COURT****INDEX**10/12/2018 Individual Parenting Petition
10/12/2018 Motion for Ex Parte Relief
Party: Attorney Manganaro, Jeffrey Leo, ESQ

Index #1

Index #2

9TH CIRCUIT - FAMILY DIVISION - NASHUA

CASE SUMMARY

CASE NO. 659-2018-DM-00702

10/12/2018	Affidavit of Notice	Index #3
10/12/2018	Ex Parte Order (Judicial Officer: DalPra, Bruce F) <i>"No ex parte orders are issued. The case shall be scheduled for a prompt hearing."</i>	Index #4
10/12/2018	Objection Party: Respondent Partello, Robin to Ex Parte Motion (RSP)	Index #5
10/12/2018	Orders of Notice	Index #6
10/12/2018	Instruction for Service	Index #7
10/23/2018	CIP Certificate - Petitioner	Index #8
10/24/2018	Ex Parte Hearing (Judicial Officer: DalPra, Bruce F)	
10/24/2018	Return of Service Party: Attorney Manganaro, Jeffrey Leo, ESQ; Petitioner Campbell, David David Campbell	Index #9
10/24/2018	Proposed Order Party: Attorney Manganaro, Jeffrey Leo, ESQ; Petitioner Campbell, David David Campbell	Index #10
10/24/2018	Order Issued (Judicial Officer: Introcasa, Julie A)	
10/24/2018	Order Appointing GAL (Judicial Officer: DalPra, Bruce F) Kathleen Sternberg	Index #11
10/24/2018	Order (Judicial Officer: DalPra, Bruce F) Interim Order	Index #12
11/05/2018	Motion to Reconsider Party: Petitioner Campbell, David ptr	Index #14
11/14/2018	Granted <i>"as to D, E and F. Denied as to other requests. The parties are free to alter or modify parenting time by written agreement" (DalPra, MId/Introcasa, J)</i>	
11/13/2018	CIP Certificate - Petitioner	Index #13
11/13/2018	Objection to motion to reconsider-Robin Partello	Index #16
11/14/2018	Motion Party: Attorney Manganaro, Jeffrey Leo, ESQ PTR Expedited Motion to the holiday parenting schedule to accommodate annual family celebration-Attorney Campbell for PTR	Index #17
11/28/2018	Granted <i>"Petitioner shall return the child no later than December 3, 2018 at 4:00 P.M. (DalPra, MId/Quigley, J)</i>	
11/26/2018	Motion Party: Respondent Partello, Robin Objection to Ruling on motion to reconsider-Robin Partello	Index #18

9TH CIRCUIT - FAMILY DIVISION - NASHUA

CASE SUMMARY

CASE NO. 659-2018-DM-00702

11/26/2018	Motion Party: Respondent Partello, Robin <i>OBJ to ruling on motion to reconsider: Robin Partello</i>	Index #19
12/06/2018	Response Party: Attorney Manganaro, Jeffrey Leo, ESQ <i>Petitioner's Response To Respondent's Objection To Ruling On Motion To Reconsider</i>	Index #20
12/12/2018	Appearance Party: Guardian ad Litem Sternberg, Kathleen A. <i>Kathleen Sternberg, GAL for Minor [REDACTED]</i>	Index #21
12/12/2018	Motion Party: Guardian ad Litem Sternberg, Kathleen A. <i>for Approval (GAL)</i>	Index #22
12/12/2018	Guardian Ad Litem Stipulation Party: Guardian ad Litem Sternberg, Kathleen A.	Index #23
12/12/2018	Motion for Instruction Party: Guardian ad Litem Sternberg, Kathleen A. <i>GAL</i>	Index #24
12/31/2018	Order Issued (Judicial Officer: Derby, Mark S) <i>Respondent did not file a timely objection. Motion granted as follows: Respondent will execute the Authorization as drafted. At least 7 days prior to using the Authorization to obtain information about the Respondent, GAL shall notify respondent of intended use of the Authorization. If Respondent does not file appropriate pleading/motion/objection in court during the 7-day period, GAL may use the Authorization as planned. If filed, Court will address Respondent's pleading/motion/objection in an expedited manner.</i>	
12/12/2018	Motion Party: Attorney Manganaro, Jeffrey Leo, ESQ <i>PTX's Expedited Motion to Establish Christmas and New Year's Holiday Parenting Schedule</i>	Index #25
12/21/2018	Approved (Judicial Officer: Derby, Mark S) <i>Approved, Granted & So Ordered.</i>	
12/21/2018	CANCELED Hearing on Motion(s) <i>Motion #25 Petitioner's expedited motion to establish christmas and new Year's holiday parenting schedule</i>	
01/10/2019	Further Hearing (Judicial Officer: DalPra, Bruce F) <i>Temp and Structuring</i>	
01/10/2019	Parenting Plan Party: Respondent Partello, Robin <i>Robin Partello</i>	Index #26
01/10/2019	Parenting Plan (Judicial Officer: DalPra, Bruce F) <i>with addendum (Temporary)</i>	Index #27
01/11/2019	Order Issued (Judicial Officer: Derby, Mark S)	
01/10/2019	Scheduling Order (Judicial Officer: DalPra, Bruce F) <i>Temporary Hearing/Scheduling Conference Order</i>	Index #28
01/11/2019	Order Issued (Judicial Officer: Derby, Mark S)	

9TH CIRCUIT - FAMILY DIVISION - NASHUA

CASE SUMMARY

CASE NO. 659-2018-DM-00702

01/28/2019	Motion to Reconsider Party: Respondent Partello, Robin <i>Robin Partello</i>	Index #29
02/15/2019	Denied (Judicial Officer: DalPra, Bruce F)	
01/29/2019	Motion for Contempt Party: Attorney Cote, Tracey G., ESQ <i>and to Enforce Nightly Telephone Calls (PTR)</i>	Index #30
05/10/2019	Order Issued (Judicial Officer: Derby, Mark S) <i>see order #55</i>	
01/29/2019	Motion for Contempt Party: Attorney Cote, Tracey G., ESQ <i>PTR</i>	Index #31
05/10/2019	Order Issued (Judicial Officer: Derby, Mark S) <i>see order #55</i>	
02/07/2019	Motion Party: Guardian ad Litem Stemenberg, Kathleen A. <i>for instruction</i>	Index #32
02/15/2019	Granted in Part (Judicial Officer: DalPra, Bruce F)	
02/08/2019	Motion Party: Attorney Cote, Tracey G., ESQ; Petitioner Campbell, David <i>to Strike RSP's Motion for Reconsideration as Unlawful - PTR</i>	Index #33
02/15/2019	Denied (Judicial Officer: DalPra, Bruce F)	
03/01/2019	Motion to Exceed Fees Party: Guardian ad Litem Stemenberg, Kathleen A. <i>GAL</i>	Index #34
03/12/2019	Granted (Judicial Officer: Introcasso, Julie A) <i>over the respondent's objection #36</i>	
03/01/2019	Motion Party: Guardian ad Litem Stemenberg, Kathleen A. <i>GAL - for instruction regarding GAL supplemental retainer payment by Robin Partello</i>	Index #35
03/12/2019	Order Issued (Judicial Officer: Introcasso, Julie A) <i>Legal fees/GAL fees to be paid in CASH, by money order or bank check ONLY. So ordered</i>	
03/04/2019	Obj-Motion to Exceed Fees Party: Respondent Partello, Robin <i>Robin Partello</i>	Index #36
03/04/2019	Objection Party: Respondent Partello, Robin <i>Robin Partello -to GAL's Motion for Instruction</i>	Index #37
03/15/2019	Motion to Continue Party: Attorney Cote, Tracey G., ESQ <i>March 19, 2019 Status Conference and Motion to Clarify Subject of Hearing - Atty Cote for David Campbell</i>	Index #38

9TH CIRCUIT - FAMILY DIVISION - NASHUA

CASE SUMMARY

CASE NO. 659-2018-DM-00702

03/13/2019	Granted (Judicial Officer: Introcaso, Julie A.) <i>see narrative order</i>	
03/15/2019	Order Issued (Judicial Officer: Introcaso, Julie A.)	
03/19/2019	CANCELED Status Conference <i>GAL may appear telephonically</i>	
03/27/2019	Assent Party: Guardian ad Litem Sternberg, Kathleen A. <i>Partially assented to motion to extend time to file final Guardian ad Litem report-Attorney Sternberg</i>	Index #39
04/08/2019	Granted (Judicial Officer: Derby, Mark S.) <i>"Prayer A."</i>	
04/03/2019	Objection Party: Respondent Partello, Robin <i>(rsp) to GAL's motion to extend time</i>	Index #40
04/05/2019	Motion Party: Respondent Partello, Robin <i>(rsp) to remove Kathleen Sternberg as GAL</i>	Index #41
04/26/2019	Denied (Judicial Officer: Derby, Mark S.)	
04/26/2019	Order Issued (Judicial Officer: Derby, Mark S.) <i>see #47</i>	
04/11/2019	CANCELED Final Hearing <i>Day 1 of 2</i>	
04/12/2019	CANCELED Final Hearing <i>Day 2 of 2</i>	
04/16/2019	Objection Party: Attorney Manganaro, Jeffrey Leo, ESQ <i>PET</i>	Index #42
04/22/2019	Motion for Contempt Party: Attorney Manganaro, Jeffrey Leo, ESQ <i>PTR Motion for Contempt and to Compel Compliance with orders governing communication between the parties and the Parenting Plan-Attorney Manganaro</i>	Index #43
05/10/2019	Order Issued (Judicial Officer: Derby, Mark S.) <i>See order #55</i>	
05/31/2019	Denied (Judicial Officer: Derby, Mark S.) <i>as moot see doc. #55</i>	
04/26/2019	Motion Party: Attorney Manganaro, Jeffrey Leo, ESQ <i>for the psychological examination of the respondent</i>	Index #44
05/10/2019	Order Issued (Judicial Officer: Derby, Mark S.) <i>see order #55</i>	
04/26/2019	Motion to Seal	Index #45

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

http://www.courts.state.nh.us

Court Name: 9th Circuit-Family Division Nashua
 Case Name: In the Matter of David Campbell and Robin Partello
 Case Number: 659-2018-DM-702

ORDER ON EX PARTE (EMERGENCY) MOTION

A motion for *ex parte* or emergency orders has been submitted. The Court has reviewed the motion.

- ☐ 1. The Court issues the following orders, which will remain in effect until further hearing:
- ☐ A. The ☐ Petitioner ☐ Respondent (check one) shall have temporary sole decision-making and residential responsibility for the minor child(ren).
 - ☐ B. The ☐ Petitioner ☐ Respondent (check one) shall have temporary sole residential responsibility for the minor child(ren).
 - ☐ C. The ☐ Petitioner ☐ Respondent (check one) shall not interfere in any way with the personal liberty or property of the other nor the household property used in the care of the minor child(ren), nor do any act to interfere with the other parent's decision-making and residential responsibilities for the minor child(ren).
 - ☐ D. The ☐ Petitioner ☐ Respondent (check one) is awarded temporary exclusive use of the parties' residence at _____ (residence address) and household furniture and furnishings therein.
 - ☐ E. The ☐ Petitioner ☐ Respondent (check one) shall not enter the residence or property of the other.
 - ☐ F. Each party is restrained and enjoined from transferring, encumbering, hypothecating, concealing or otherwise disposing of any property except in the ordinary course of business or for the necessities of life.
 - ☐ G. Other: _____

- ☒ 2. No *ex parte* or emergency orders are issued - no showing of imminent danger of irreparable harm.
☒ The case shall be scheduled for a prompt hearing with Petitioner and Respondent present.
☐ The case shall be scheduled in the ordinary course.

- ☐ 3. Request for *ex parte* orders is denied. No hearing is required.

A hearing on the *ex parte* motion, and any orders issued, is scheduled for:
 _____ (date of hearing) at _____ (time of hearing)

Recommended:

Date

10/12/18

Signature of Marital Master

BRUCE F. DALPRA

Printed Name of Marital Master

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date

10/12/18

Signature of Judge

L. LITROCA SD

Printed Name of Judge

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: Ninth Circuit-Nashua
Case Name: David Campbell and Robin Patisio
Case Number: 659/2016-DIV-00702
(if known)

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM
(Divorce/Parenting)

David Campbell
Petitioner's Name D.O.B.

10 East Dunstable Road
Street Address

Nashua, NH 03063
City, State, Zip

Telephone Email Address

Robin Patisio
Respondent's Name D.O.B.

27 East Dunstable Apt 7
Street Address

Nashua, NH
City, State, Zip

Telephone Email Address

The following order is hereby entered:

1. The attached Standing Order Relating to Guardian Ad Litem Appointment (hereinafter referred to as the "Standing Order") is made a part of this order.

2. Name: Kathleen Storer Paul Telephone: 603-1234
Address: PO Box 2285 Concord, NH 03302
is appointed Guardian ad Litem of the children:

 D.O.B.
 D.O.B.
 D.O.B.

*If you are not currently a court certified GAL, you must notify the Court immediately and this order will be vacated. If during this standing appointment your certification lapses, you must notify the Court immediately and the appointment is terminated.

3. The Guardian ad Litem shall investigate the following issues and make recommendations to the court thereon:

☐ Decision-making responsibilities

☒ Residential responsibilities

☒ Parenting time

Special needs of the children (specify):

☒ Counseling for family members counseling for ☐ Petitioner ☐ Respondent ☐ children

☐ Psychological evaluations of ☐ Petitioner ☐ Respondent ☐ children

☒ Parenting skills of ☐ Petitioner ☐ Respondent ☐ both parties

☐ Appropriateness of the home environment of ☐ Petitioner ☐ Respondent ☐ both parties

Case Name: Error Reference source not found

Case Number: Data Reference: Col. 101010101

ORDER ON PETITION FOR WRIT OF HABEAS CORPUS

- ☐ Substance abuse ☐ alcohol ☐ drugs ☐ both ☐ other
- ☐ Violence, physical abuse, emotional abuse
- ☐ Sexual abuse of
- ☐ Supervision of parenting time
- ☐ Rights of grandparents to visit
- ☐ Influence of companions of either party on child(ren)
- ☐ Maturity of child(ren) stating a preference
- ☐ Travel arrangements
- ☐ Time, place and manner of exchange for parenting time
- ☒ Assessment of bond between child and each parent and/or between siblings
- ☒ Other issues which the GAL deems relevant based upon the investigation
- ☒ Other, specify:
- What is the basis for the child's disclosure, monitor the child's progress in counseling

4. The Council is to prepare, in accordance with the provisions of paragraph 3, a report on the progress of the work of the Council and the Commission, and to submit it to the Assembly of the Council of Europe.

A. Penetration of the Market

- 7 The Respect for the Struggle of the Canadian with Disabilities

THE

- [illegible]

5. **Other provisions:**
 Criminalize sexual abuse of children, rape, incest, and

6. Guardian and Trust Situations to be filed by 12/31/2018

7 Preliminary Report to be filed by 02/28/2019

Case Name: Error Reference sour of found.

Case Number: Error Reference sour of found.

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Child Welfare Services)

8. Final Report to be filed by: TDD

Recommended:

10/24/2018

Date

Signature of Mental Master

Bruce E. Dalrymple

Printed Name of Mental Master

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that to the extent the mental master/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the mental master/hearing officer.

Date

Signature of Judge

Printed Name of Judge

STANDING ORDER RELATIVE TO GUARDIAN AD LITEM APPOINTMENT

This order applies to all Guardian Ad Litem appointments in this court. It may be modified or amended in a specific case. Any changes in the order of this court shall be made in writing and filed with the court.

1. GUARDIAN AD LITEM APPOINTMENT

When an appointment of Guardian Ad Litem is requested, the court shall file a stipulation as to the following issues:

- Expenses for which the Guardian Ad Litem will be reimbursed;
- Guardian Ad Litem four (4) hour rate and the maximum fee for services in this court in this case;
- Frequency of filing, terms of payment, and payment of retainer;
- The names of the individuals to be interviewed by the Guardian Ad Litem, including names and sex, telephone numbers, and relationship to party, and the importance of the Guardian Ad Litem's findings for dispute resolution purposes in the future to interview;
- Manner in which the Guardian Ad Litem will communicate with each party, such as, but not limited to, telephone calls;
- Access to the Guardian Ad Litem will take if unable to contact a residence;
- Whether the Guardian Ad Litem will visit each party's home;
- Whether conversations between the Guardian Ad Litem and the children will be confidential;
- Other orders necessary to protect confidentiality; and
- Dates by which parties will execute authorizations for reports. Special efforts to be requested if this stipulation is not filed by the date set forth in the Order on Appointment of Guardian Ad Litem, the court shall schedule an immediate enforcement hearing at the request of the Guardian Ad Litem or either party.

2. GUARDIAN AD LITEM FEES

Case Name: Error Reference source not found

Case Number: 8907 Reference Set: a not found

ORDER OF APPROXIMATE GUARDIAN OF TERRITORY: Bannock

- a. The Guardian ad Litem shall be compensated at the rate of \$_____ per hour. The maximum fee set by the court (including costs) shall not exceed \$_____ for this case, and shall include attendance at hearings.
- b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain these fees and costs. Maximum limits will be strictly enforced.
- c. The maximum fee shall not be exceeded without prior approval of the court after hearing from the parties and the Guardian ad Litem present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.
- d. When the parties are paying the cost of the GAL, the \$_____ per hour rate and the maximum fee set by the court may be subject to prior court approval of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee to be paid by the parties.
- e. If counseling therapy or evaluations are recommended by the GAL, no expenses for these may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders recommending that party or each party to authorize specific additional services with appropriate limits on charges.

3 COMMENTARY: CONSTITUTIONAL AND POLITICAL ISSUES

The Global Humanitarian Assistance Programme (GHAP) is a multi-agency effort to coordinate and deliver humanitarian aid. It is a voluntary arrangement between the United Kingdom, the United States, and the European Union. The programme is designed to provide a coordinated response to humanitarian crises and to ensure that aid is delivered in a timely and effective manner. The programme is funded by the United Kingdom, the United States, and the European Union. It is managed by the United Kingdom's Department for International Development (DFID). The programme has been successful in providing aid to millions of people in need. It has also helped to build the capacity of local governments and civil society organizations to respond to humanitarian crises. The programme is a testament to the power of international cooperation in the face of global challenges.

A team led by the author, published *Nature* in 1998, was the first to show that an animal's sense of time is not dependent on the sun, but is an internal clock. The clock is based on the body's internal rhythms, which are controlled by the brain. The clock is not perfect, but it is good enough to keep track of time. The clock is also not a simple pendulum, but a complex system of interacting rhythms. The clock is also not a simple pendulum, but a complex system of interacting rhythms. The clock is also not a simple pendulum, but a complex system of interacting rhythms.

DEFINITIONS AND OPERATIONS

Each party shall certify on every pleading that she has not been influenced or coerced into pleading to the Guadalupe Act.

[illegible]

5. The child shall immediately be enrolled in counseling with James Foster, unless the parties agree upon another counselor.
6. Neither Petitioner, Respondent or any other family member or friend shall question the child with regard to the incidents described in the Petitioner's Motion. That is the area for the counselor and GAL to explore if deemed in the child's best interests.
7. The Clerk shall schedule a further temporary hearing and scheduling conference in 60 days as the docket permits.

Date

10/24/23

Bruce P. Dalfra, Master

I hereby certify that I have read the recommendation and agree that the report that the master has made is a true finding. He has applied the correct legal standards to the facts determined by the master.

So ordered:

Date

10/24/23



STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

RECEIVED
NH CIRCUIT COURT
9TH CIRCUIT NASHUA
2019 JAN 28 P 12:57

9th Circuit – Family Division – Nashua

In the Matter of: David Campbell and Robin Partello
Docket No.: 659-2018-DM-00702

MOTION FOR RECONSIDERATION

NOW COMES Robin Partello, Respondent in the above-captioned matter, and submits the following Motion relative this Court's Temporary Parenting Plan and in furtherance, states the following:

1. The Court granted David's requested parenting plan which states that the David shall have parenting time every Thursday at 4pm until Monday at 9am on week one and Sunday at noon on week two.
2. This plan is not in the best interests of the minor child (hereinafter referred to as [REDACTED]).
3. David works on Fridays. Robin works as a nurse on Friday and Saturday nights from 7pm to 7am. Robin does not work on Friday days and allocates this day to take [REDACTED] on playdates with his friends.
4. It's in the best interest of [REDACTED] to be with his Mother rather than whoever David will use for a babysitter. Further, [REDACTED] loves these playdates and David doesn't know any of [REDACTED]'s friends nor does he do child activities with [REDACTED].
5. David has had a lengthy history of extremely disturbing actions. David was investigated by the Attorney General of New Hampshire. That report showed that David is dishonest and used collusive tactics with respect to a Nashua Police

investigation after David consumed several alcohol beverages then drove the wrong way on a one-way street, ran over and killed five ducks, got into a fight with a Marine pilot and left the scene of the accident.

6. Further, at the time of this incident, Robin was four months pregnant, which David asked her to get an abortion and that the pregnancy would ruin his life.
7. Most recently, in September while at David's house, [REDACTED] made a disclosure that someone had sexually abused him. David did not inform Robin for two days, and instead David and his sister spent the weekend repeatedly interrogating [REDACTED] - going so far as recording these interrogations.
8. When Robin was informed two days later, she immediately picked up [REDACTED] from David's house and drove him to Elliott Urgent Care.
9. [REDACTED] disclosed to the doctor that it was his Dad (David Campbell) that put things in his butt.
10. Robin instructed [REDACTED] to tell the truth as she didn't believe that such a heinous thing could ever happen. She went back and told the Doctor that she had a talk about telling the truth and that [REDACTED] would like to tell the truth.
11. When the Doctor came back in the room, [REDACTED] again stated that David had put things in his butt. [REDACTED] never recanted his statement.
12. [REDACTED] suffered emotional distress from what he believes that David did to him and also the weekend long interrogation. [REDACTED] often states that his Dad will never do it again and that's the bad Dad and he's dead now.

13. [REDACTED] is in counseling, which David initially resisted and refused to sign the consent to treat form and then filed motions with the Court to cause confusion and unnecessary delay.

14. David's pattern of behavior of not seeking any medical treatment for [REDACTED] after some abuse occurred and refusing to sign a consent form to enter [REDACTED] into therapy are not in [REDACTED]'s best interests.

15. David's only goal is to engage in a vicious smear campaign against Robin. David called the Derry Police Department and made false allegations about Robin's neighbors, friends, and acquaintances. David has made numerous false allegations to this Court, none of which have ever been substantiated.


16. It is not in Braden's best interest to spend every weekend with David.

WHEREFORE: Robin Partello respectfully requests that this Honorable Court provide the following relief:

- A. Order that the parties revert to the interim parenting plan in which David shall have parenting time every Wednesday from 4pm to 7pm and every other weekend from Friday at 4pm until Sunday at 7pm;
- B. Order that David's sister be present for any overnight visits;
- C. Or in the alternative, amend the order so that parenting time with David shall begin Friday at 4pm until Sunday at 7pm;
- D. Grant the Respondent's Motion for Reconsideration;
- E. Provide any other relief which this court deems fair and equitable.

Respectfully submitted,

Date: January 26, 2019


Robin A. Partello
97 East Broadway Unit 7
Derry, NH 03038
(603) 417-9003

CERTIFICATION OF COMPLIANCE

I hereby certify that one copy of Motion was mailed this date to counsel for David Campbell

Date: January 26, 2019


Robin A. Partello

MASTER RECOMMENDS: *Denied*

2/6/19
Date 
Bruce McFarlane, Master

So Ordered.
I hereby certify that I have read the report of the master/judicial referee/hearing officer and agree that to the extent the master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the master/judicial referee/hearing officer.

2/15/19
Date 
Signature of Judge
Julie A. MacLeod

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT**

9th CIRCUIT - FAMILY DIVISION - NASHUA

CASE NO: 659-2018-DM-00702

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLA

MOTION FOR INSTRUCTION

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court instruct her as to how to proceed with her court appointed investigation and in support thereof states as follows:

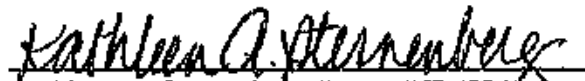
1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED], [REDACTED], [REDACTED], DOB [REDACTED].
2. In a temporary hearing order, the Court ordered the GAL to file her report by March 29, 2019. The GAL requires assistance from this Court as she has been unable to continue with her investigation.
3. The Guardian ad Litem has repeatedly tried to arrange for a home visit with Robin Partello and [REDACTED]. The GAL sent emails on 1/9/2019, 1/18/2019, 1/21/2019, 1/24/2019, 1/25/2019 and 1/27/2019, 1/28/2019 and 1/30/2019. Ms. Partello indicated that she was free the week of January 28, 29, 30, 31. The GAL proposed a visit on Wednesday, January 30, 2019 at 11:30 am, but she did not hear back to confirm this date and time and no visit was made.
4. The Guardian ad Litem also requested that the parties replenish their retainer as the original retainer was expended. David Campbell has provided a second retainer of \$650, but Robin Partello has not paid the \$350 retainer she owes.
5. The GAL requires Ms. Partello's cooperation in order to complete her investigation.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Order Robin Partello to cooperate with the GAL to schedule a home visit with [REDACTED] and herself at her residence within 7 days of this Court's order; and
- B. Order Robin Partello to pay the GAL the second retainer amount of \$350 within 7 days of this Court's order; and
- C. Grant such other relief as may be fair and just.

Respectfully submitted,

Dated: February 5, 2019


Kathleen A. Sternenberg, Esq., NHB#8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.


Kathleen A. Sternenberg

MASTER RECOMMENDS:

2/15/19
Date


Bruce P. DiPira, Master

*A+B are granted.
Respondent shall fully cooperate
with the GAL. Failure to do so
may result in sanctions and
may be taken into consideration
regarding the issuance of
a final Parenting Plan.*

So Ordered...
I hereby certify that...
and agree that to the extent the marital master/judicial
referee/hearing officer has made factual findings, she/he
has applied the correct legal standard to the facts
determined by the marital master/judicial referee/hearing
officer.

2/15/18
Date

Judge A. [illegible]

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060


Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Please be advised that on February 15, 2019 the Court made the following Order relative to:

**Petitioner's Motion to Strike Respondent's Motion for
Reconsideration as Untimely; Denied as to A.**

(MM. DalPra/ J. Introcaso)

February 21, 2019

Sherry L. Bisson
Clerk of Court

(948)

C: Robin Partello; Kathleen A. Sternberg; Tracey G. Cote, ESQ

H

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY

Case Name: In the Matter of David Campbell and Robin Partello
Case Number: 659-2018-DM-00702

Enclosed please find a copy of the Court's Order dated March 12, 2019 relative to:

Motion to Exceed Fee Cap

"Motion granted over the Respondent's objection at #36".

Introcaso, J.

March 12, 2019

Sherry L. Bisson
Clerk of Court

(579)

C: Robin Partello; Kathleen A. Sternenberg; Tracey G. Cote, ESQ

~~1/9/2020~~ 1/9/2020
~~Original has been submitted to JCC~~
STRICKEN. This is a
copy. Not the original.
Julie A. Introcaso
COPY

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT**

9th CIRCUIT - FAMILY DIVISION - NASHUA

2024 MAR -1 A 11:12

CASE NO: 659-2018-DM-00702

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

MOTION TO EXCEED FEE CAP

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue allow the Guardian ad Litem to exceed the fee cap by an additional \$1,000 and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for Braden ("Brady") Campbell, DOB 06/19/2014.
2. This matter has involved allegations of inappropriate contact with the child and a police investigation and DCYF investigation.
3. The GAL has filed multiple pleadings, prepared for and attended hearings, and has received and replied to ongoing daily email exchanges, phone calls, arranged and attended in person meetings, home visits at both homes, had multiple contacts with the child's school, pediatricians, therapist; and has received police, DCYF and medical records and met with police and had contacts with DCYF.
4. The GAL has used the initial retainer and supplemental retainer¹ as of her billing this week.
5. The GAL anticipates that within a month, she will need to write and file a comprehensive report and to testify at the upcoming contested hearing.
6. The GAL has informed both parties of her intent to file this motion.
7. David Campbell has assented to this motion.
8. Robin Partello objects to this motion.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Allow the GAL's motion to exceed the fee cap in the amount of \$1,000 and order

¹The GAL has not received Robin Partello's portion of the supplemental retainer as of this writing.

the parties to the ALJ's additional percentage of the retainer within fourteen days of the order; and

B. Grant such other relief as may be fair and just.

Respectfully submitted,

Dated: February 28, 2019

Kathleen A. Sternenberg
Kathleen A. Sternenberg, Esq., NHB#8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partello, pro ss.

Kathleen A. Sternenberg
Kathleen A. Sternenberg

Motion 3-12-19 Granted/Denied-
Date 3-12-19
Justine A. Hennes

over the
Respondent's
objection at
36

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

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Nashua NH 03060

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<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY

Case Name: In the Matter of David Campbell and Robin Partello
Case Number: 659-2018-DM-00702

Enclosed please find a copy of the Court's Order dated March 12, 2019 relative to:

**Further Motion for Instruction Regarding GAL Supplemental
Retainer Payment by Robin Partello
"Legal fees/GAL fees to be paid in Cash, by Money Order or
Bank Check, ONLY".**

So Ordered

Introcaso, J.

March 12, 2019

Sherry L. Bisson
Clerk of Court

(579)

C: Robin Partello; Kathleen A. Stemenberg; Tracey G. Cote, ESQ

STRICKEN 1/9/2020

~~1-9-2020~~
~~original have been submitted for~~

THIS IS A COPY

COPY
FID

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT

9th CIRCUIT - FAMILY DIVISION - NASHUA

CASE NO: 659-2018-DM-00702

2019 MAR -1 A 11: 12

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

FURTHER MOTION FOR INSTRUCTION REGARDING
GAL SUPPLEMENTAL RETAINER PAYMENT BY ROBIN PARTELLO

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue a further order to instruct Robin Partello to pay the GAL via check, money order or cash payment immediately and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED], DOB [REDACTED].
2. Although this court ordered that Robin Partello pay the Guardian ad Litem within seven days of its recent order, the Guardian ad Litem has not received the \$350 second retainer amount in a form acceptable to the GAL.
3. Robin Partello has apparently sent electronic funds to Apple Pay and insists that the GAL accept these funds.
4. The GAL does not accept Apple Pay and does not have Apple Pay connected to her client trust account.
5. The GAL has repeatedly informed Robin Partello that she does not accept electronic payments for retainers.
6. The GAL has informed Robin Partello that she needs to either send a check or money order or arrange a time to meet the GAL to give her cash.
7. Robin Partello has refused to do so.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

A. Order Robin Partello to pay the GAL retainer in the amount of \$350 by cash, by check or by money order and to either mail the check or money order to the GAL's business address or to arrange to meet the GAL at the NH Bar Association offices with a cash payment; and

B. Grant such other relief as may be fair and just.

STRICKEN

1/9/2020 THIS IS A COPY [Signature] 1/9/2020
~~Original has been filed with the court~~ COPY 35

Respectfully submitted,

Dated: February 28, 2019

Kathleen A. Sternenberg

Kathleen A. Sternenberg, Esq., NHB#6840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cots, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.

Kathleen A. Sternenberg

Kathleen A. Sternenberg

3/12/19 -

Legal fees / GAL fees
to be paid in cash,
by money order or
bank check, ONLY.
So Ordered.

Julie A. Introcaso

Julie A. Introcaso

J
J

STATE OF NEW HAMPSHIRE
9TH CIRCUIT – FAMILY DIVISION – NASHUA

IN THE MATTER OF:

2019 MAR 15 A 11:12

DAVID B. CAMPBELL AND ROBIN A. PARTELLO

DOCKET NO. 659-2018-DM-00702

PETITIONER'S EXPEDITED MOTION TO CONTINUE
MARCH 19, 2019 STATUS CONFERENCE AND
MOTION TO CLARIFY SUBJECT OF HEARING

Now comes the Petitioner, David B. Campbell, by and through his counsel, Shaheen & Gordon, P.A., and respectfully moves the Court to reschedule the March 19, 2019 Status Conference and clarify the subject of the hearing. In support, Petitioner states as follows:

1. By Notice of Hearing dated March 12, 2019, this Court scheduled a one-hour Status Conference for March 19, 2019.
2. Counsel for the Petitioner is unavailable to appear on March 19 due to a conflict with previously scheduled hearings.
3. Counsel for the Petitioner is available for a Status Conference on Monday, March 25 or in the afternoon of March 28.
4. Petitioner further requests that the Court clarify the subject of the Status Conference as it remains unclear why the Court scheduled same.
5. The parties are scheduled for trial on April 11 and 12, 2019. Petitioner is in the process of preparing for same.
6. The Guardian *Ad Litem*'s report is anticipated to be completed by the end of March.
7. There are two pending Motions for Contempt that Petitioner has filed.

8. The Petitioner is in the process of preparing for trial and completing discovery.

9. Since Petitioner had to file this Motion quickly, counsel has not contacted the

Respondent or the GAL for their assent to the relief sought herein.

10. By email on March 14, 2019 at 3:16 pm, Respondent assented to the relief requested herein.

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Allow the within Motion;
- B. Waive the ten day waiting period since there will not be ten days between the Court's Notice of Hearing and the Status Conference;
- C. Reschedule the Status Conference to either March 25 or the afternoon of March 28;
- D. Clarify the subject of the hearing; and
- E. Grant such other relief as may be just and equitable.

By and through his attorneys,
Shaheen & Gordon, P.A.

Tracey Goyette Cote, NH Bar # 17449
Jeffrey Manganaro, NH Bar # 266613
107 Storrs Street
P.O. Box 2703
Concord, NH 03302
603-225-7262

Certificate of Service

I, undersigned counsel, hereby certify that I served the within Motion upon the Respondent, Robin Partello, *pro se*, by email and mailing a copy of same to her listed address by U.S. Mail, along with a copy to the Guardian *Ad Litem*.

Jeffrey Manganaro, Esq.

1-9-2020

COPY

(K)

DAVID CAMPBELL

AND

ROBIN PARTELLO

659-2018-DM-702

On 3-15-19, the Petitioner filed a motion to continue a Status Conf. scheduled by this judge. The motion (#38) is GRANTED.

In filing the motion, the Petitioner inquired as to the purpose of the hearing. The undersigned judge scheduled the hearing to disclose her conflict with the Court-appointed GAL in the case.

Although this judge has made no substantive rulings in this matter, it has approved substantive orders issued by the marital master that had previously handled this litigation.

The marital master has been reassigned to another court location so numerous substantive motions were presented to this judge for review.

In doing so, this judge

COPY

pg 2. has determined that she is unable to address these motions, particularly as some relate directly to the payment and performance of the GAL.

The GAL has been a long-standing friend of this judge; she has vacationed with her, discussed personal matters in depth (including financial issues) and the GAL is the godparent to one of this judge's children.

The Court does not believe this conflict, under the circumstances as stated above, is one which can be waived.

The Court hoped to put this matter on the record and set this matter for trial before another judge; however, even that may be seen as inappropriate given the conflict over the GAL specifically.

The wisest course for this judge, and in an attempt to

1-9-2024

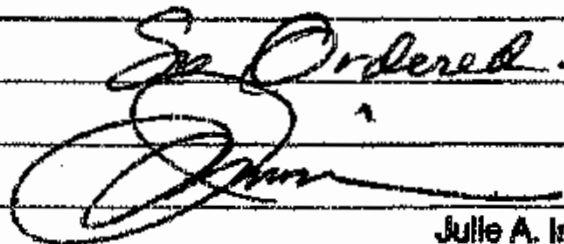
COPY

pg 3. provide the parties with the most unbiased and fair hearing, is to simply withdraw as the presiding justice in this matter with regret as to the delay this may cause to the parties.

ORDER:

1. Judge Julie Introcaso shall have no further involvement in this matter.
2. The Clerk shall expeditiously work with the parties to reassign this matter, resolve the pending motions, and schedule this matter for any further hearing.
3. No status conference will occur on March 19, 2019.

3/15/19

So Ordered.


Julie A. Introcaso

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2884
<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Enclosed please find a copy of the Court's Order dated March 15, 2019 relative to:

**Petitioner's Expedited Motion to Continue March 19, 2019 Status
Conference and Motion to Clarify Subject of Hearing -
GRANTED**

Introcaso, J.

March 15, 2019

Sherry L. Bisson
Clerk of Court

(659304)

C: Jeffrey Leo Manganaro, ESQ

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

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NOTICE OF DECISION

FILE COPY

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Enclosed please find a copy of the Court's Order dated March 15, 2019 relative to:

**Petitioner's Expedited Motion to Continue March 19, 2019 Status
Conference and Motion to Clarify Subject of Hearing - Granted**

Introcaso, J.

March 15, 2019


**Sherry L. Bisson
Clerk of Court**

(659304)

C: David Campbell; Robin Partello; Kathleen A. Stemenberg; Tracey G. Cote, ESQ

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
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NOTICE OF HEARING

FILE COPY

Case Name: In the Matter of David Campbell and Robin Partello
Case Number: 659-2018-DM-00702

The above referenced case(s) has/have been scheduled for:

Final Hearing

Date: May 22, 2019 **30 Spring Street**
Time: 10:00 AM **Nashua, NH 03060**
Time Allotted: 5 Hours **Courtroom 5 - 9th Circuit Court - Nashua**

Please advise immediately if this is not sufficient.

If you are unable to appear at this scheduled hearing, you must request a continuance from the Court in writing which, except for good cause shown, shall be filed within ten (10) days from the date of the mailing of the notice of a hearing. You must also send a copy of the request to the opposing party, unless restricted from doing so. Motions to continue filed fewer than 10 days in advance of hearing will only be granted if the Court finds that an emergency or exceptional circumstance exists. You must appear on the scheduled date unless you receive notification from the Court that a request to continue the hearing has been granted. There are no child care facilities at the courthouse, so you should make appropriate child care arrangements.

Should you fail to appear at the hearing, all issues raised by the pleadings may be decided by the court without your participation.

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately.

Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625.11, V in a courtroom or area used by a court.

BY ORDER OF THE COURT

March 15, 2019

Sherry L. Bisson
Clerk of Court

659304

C: Kathleen A. Sternenberg; Robin Partello; Jeffrey Leo Manganaro, ESQ; Tracey G. Cote, ESQ

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF HEARING

FILE COPY

Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

The above referenced case(s) has/have been scheduled for:

Final Hearing

Date: May 24, 2019 30 Spring Street
Time: 9:00 AM Nashua, NH 03060
Time Allotted: 6 Hours Courtroom 2 - 9th Circuit Court - Nashua

Please advise immediately if this is not sufficient.

If you are unable to appear at this scheduled hearing, you must request a continuance from the Court in writing which, except for good cause shown, shall be filed within ten (10) days from the date of the mailing of the notice of a hearing. You must also send a copy of the request to the opposing party, unless restricted from doing so. Motions to continue filed fewer than 10 days in advance of hearing will only be granted if the Court finds that an emergency or exceptional circumstance exists. You must appear on the scheduled date unless you receive notification from the Court that a request to continue the hearing has been granted. There are no child care facilities at the courthouse, so you should make appropriate child care arrangements.

Should you fail to appear at the hearing, all issues raised by the pleadings may be decided by the court without your participation.

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately.

Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625.11, V in a courtroom or area used by a court.

BY ORDER OF THE COURT

March 15, 2019

Sherry L. Bisson
Clerk of Court

659304

C: Kathleen A. Stemenberg; Robin Partello; Jeffrey Leo Manganaro, ESQ; Tracey G. Cote, ESQ

The State of New Hampshire


Hillsborough County

Ninth Circuit Court - Family Division - Nashua - MerrimackIn the matter of: David Campbell and Robin ParrelloDocket No. 65 9 - 2018 - DM - 702**ORDER on #41, Motion to Remove GAL**

Prior to ruling on the motion to remove GAL, the undersigned officer reviewed the October 24, 2018 Order Appointing GAL, the February 15, 2019 Order approving the Master's recommendation on the GAL's motion for instruction, the February 15, 2019 Order approving the Master's recommendation on the Motion to Strike, and the two March 12, 2019 orders re the GAL's fee cap and GAL payment method, as well as the relevant motions and objections.

Reviewing all of those matters de novo, the undersigned officer would have issued the same orders, though the respondent may pay the GAL by personal check (in addition to the other methods), though the respondent does not use personal checks.

Substantively, the motion to dismiss/remove GAL is denied. The respondent's allegations do not form a sufficient basis to terminate the GAL and start over, which would cost significant funds and waste judicial resources. The GAL's sole mission is to investigate and advocate for [REDACTED] and this may cause friction with the parents. That is a normal part of the process.
Motion denied.

Date: 4-26, 2019

 Mark S. Derby, Judge
 Ninth Circuit Court



**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

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NOTICE OF DECISION

FILE COPY

Case Name: In the Matter of David Campbell and Robin Partello
Case Number: 658-2018-DM-00702

Please be advised that on February 15, 2019 the Court made the following Order relative to:

Motion for Instruction; A and B are granted. Respondent shall fully cooperate with the GAL. Failure to do so may result in sanctions and may be taken into consideration regarding the issuance of a final Parenting Plan.

(MM. DalPra/J. Introcaso)

February 21, 2019

Sherry L. Bisson
Clerk of Court

(948)

C: Robin Partello; Kathleen A. Stemenberg; Tracey G. Cote, ESQ

STATE OF NEW HAMPSHIRE
JUDICIAL CONDUCT COMMITTEE



Mary E. Collins, Chair
Attorney Jaye L. Rancourt, Vice Chair
Judge James H. Leary
Ernest Goodno
Alan K. Blake
Judge Neals-Erik William Delker
Judge Lucinda V. Sadler
Stephen L'Heureux
Thomas R. Eaton
Larry Gilpin
W. Michael Scanlon, Esq.



Robert T. Mittelholzer, Esquire
Executive Secretary
132 Chapel Street
Portsmouth, New Hampshire 03801

Phone: (603) 427-9295
Fax: (603) 427-9297
Email: rmittelholzer@nhjcc.com

February 17, 2020

The Honorable Julie A. Introcaso
NH Circuit Court Administrative Offices
One Granite Place, Suite 400 North
Concord, NH 03301

Re: JC-20-010-CII

Judge Introcaso:

I am writing to advise you that the Committee at its meeting of February 14, 2020 determined to open a Committee initiated inquiry pursuant to New Hampshire Supreme Court Rule 40 (6) with respect to the discovery of altered and missing documents in the case record pertaining to Case Number: 659-2008-DM-00702, In the Matter of David Campbell and Robin Partello.

New Hampshire Supreme Court Rule 40 (6), *Inquiries Initiated by Committee*, provides in relevant part that:

The Committee may initiate an inquiry concerning the conduct of any judge on its own motion, without a signed written report of alleged misconduct, upon any reasonable factual basis. No such inquiry shall be initiated by the Committee except upon the affirmative vote of six or more members of the Committee taken at a meeting thereof. Notice of the initiation of an inquiry by the Committee on its own motion shall be given to the judge by the Committee at such time as it deems appropriate. The Committee may delay giving such notice to the judge to avoid possible compromise of the inquiry and any resulting investigation or for other good reason. Unless the Committee votes to docket a complaint against a judge in accordance with section (7)(b), all records of a Committee-initiated inquiry shall be confidential.

Enclosed herewith are a letter to the Committee from Judge King of February 3, 2020 and a memorandum containing relevant portions of the summaries of a number of interviews which were recently conducted as part of an investigation into this matter.

Specifically, the Committee requests that you provide the following information with respect to the investigation of the altered and missing documents at issue:

- Did you alter and/or remove the documents from the Campbell/Partello case record as alleged?
- If so, for what purpose?
- Did you request any member of the court staff to alter and/or remove the documents from the Campbell/Partello case record as alleged on your behalf? And,
- If so, for what purpose?

Because this inquiry concerns the potential alteration of a public file which could implicate criminal statutes, including statutes relating to public officials, the Committee reminds you of your right against self-incrimination and that you may avail yourself of the right to counsel under the Constitution and pursuant to Supreme Court Rule 40 at any time.

Finally, the Committee requests that you respond to this inquiry in advance of the Committee's next scheduled meeting on March 13, 2020.

Thank you for your attention to this matter.

Yours truly,


Robert T. Mittelholzer
Executive Secretary

RTM

Enc.: Letter from Judge King of February 3, 2020
Memorandum of Confidential Factual Investigation of January 26, 2020

April 3, 2020

Robert T. Mittelholzer, Esq.
Executive Secretary
State of New Hampshire
Judicial Conduct Committee



Re: JC-20-010-CII

Dear Members of the Judicial Conduct Committee,

Please accept the following response to the Committee initiated inquiry opened pursuant to Supreme Court Rule 40 (6) with respect to the discovery of altered and missing documents in the case record pertaining to Case Number: 659-2008-DM-00702, In the Matter of David Campbell and Robin Partello. The Committee asked me to provide information responsive to the following questions:

1. Did you alter and/or remove the documents from the Campbell/Partello case record as alleged? If so, for what purpose?

A. Alteration of Documents

I did not alter any documents in the case record, with the exception of making notations and initialing certain explanatory, hand-written entries discussed more fully below. Specifically, I did not apply white out correction tape to cover up or obscure two court orders that I had issued on March 12, 2019. The Orders related to a Motion to Exceed Fee Cap (Index #34) and Further Motion For Instruction Regarding GAL Supplemental Retainer Payment by Robin Partello (Index #35) (collectively, the "March 12 Orders"). I do not know how or when the March 12 Orders became obscured by white out correction tape.

I discovered the obscured March 12 Orders (the "Whited-Out Orders") in the case file on January 9, 2020, while I searched the case file in my chambers to complete my Answer to Ms. Partello's Judicial Conduct Complaint in Case JC-19-050-C. When reading the case record attempting to find an order referred to in Ms. Partello's Complaint, I first observed that white out correction tape had been applied to my March 12 Orders. As I reviewed the case record, please note that I also had before me copies of the unaltered versions of the March 12 Orders because copies of the unaltered March 12 Orders were included as attachments to Ms. Partello's Judicial Conduct Complaint. On December 16, 2019, when I had returned to the courthouse after a leave of absence, I brought a copy of Ms. Partello's Complaint with me. I asked for the case file to Answer the Complaint, and I agree the case file arrived in my office on January 2, 2020. The case file was placed on my desk, and I did not open the case file between January 2 and January 9.

On January 9, I was most concerned when discovering the existence of the Whited-Out Orders because my March 12 Orders were material to the Committee's review of Case JC-19-0501C. I immediately considered who could have obscured the Whited-Out Orders and for what purpose, and I made several inquiries to determine what had happened. I questioned Julianne Lodes and Nancy Dabilis to ascertain if any clerks or employees had applied white out tape to my March 12 Orders. I emailed judicial officers and other clerks asking them to contact me if they had any contact with the file. I also asked for the original "sign out sheets" to determine if Ms. Partello or any other individual had physical access to the file. I was unable to determine what had happened based on this outreach.

B. Removal of Documents and Related Entries in Case Record

As I will explain in more detail below, I made an initial decision to send the Whited-Out Orders to the Committee with my Answer for review and consideration. But upon further reflection I changed my mind, and I eventually elected to leave the original Whited-Out Orders in the case record. First and foremost, and having carefully reviewed and reflected upon the Judicial Branch's Confidential Factual Investigation Report, I now appreciate that my handling of this case record on January 9 created serious concern and anxiety with clerks and employees. It was never my intention to do so. I recognize that my immediate reaction to the discovery of the Whited-Out Orders was hurried, and I also vacillated in my decision-making regarding how to respond to this most unusual discovery of alterations in the case file. In retrospect, I wish I had consulted with my superior judge or Clerk of Court immediately. However well-intentioned my actions may have been, I acknowledge that my responses resulted in the creation of confusing hand-written notations being logged into and subsequently stricken from this case record. To the extent that my handling of this unusual situation was not well-executed, and has made this Committee's work and the Judicial Branch's investigation of this situation more difficult, I am deeply remorseful and apologetic for my actions. But I reiterate that I had nothing to do with my March 12 Orders being whited-out or obscured.

Initially, I proceeded to remove the original Whited-Out Orders from the file for the purpose of sending the Whited-Out Orders to the Committee with my Answer. I believed that the Committee should receive the originals and be made aware of the unexplained alterations to this case file, so I replaced the Whited-Out Orders in the case record with substitute photocopies of my unaltered March 12 Orders. When doing so, I took steps to document my substitution of the originals for copies in the file. More specifically, I asked my Courtroom Clerk Julianne Lodes to make photocopies of my initial, unobscured March 12th Orders to serve as temporary substitute Orders to be placed in the file. I inserted these photocopies in the file to preserve the full case record and to generate placeholders for the original Whited-Out Orders that I had removed from the file to send to the Committee. In order to transparently document what I was doing, I asked Ms. Lodes to label the replacement photocopies in the file as a "Copy." I also asked her to make a simple notation at the bottom/footer of the documents indicating that the originals had been submitted to the JCC. My purpose in making these entries was two-fold: (1) to create a transparent record in the file documenting the substitution for the Whited-Out Orders; and (2) to maintain a complete record of the case file in the courthouse with all applicable Orders available in the case record.

As we completed this task on the morning of January 9, I continued to work on my Final Answer to Ms. Partello's Complaint in my office. I began working that day from the Partial Answer I had submitted to this Committee in early December 2019. Given my discovery of the Whited-Out Orders that morning, I felt I should inform the Committee about the Whited-Out Orders and subsequent notations located in the file. While I finished writing my initial draft about the discovery of the Whited Out Orders, I was uncertain about my need to raise this issue with the Committee. I determined my Answer to Ms. Partello's Complaint should be limited to addressing the underlying allegations in the Complaint. I reconsidered the appropriateness of raising new and unresolved issues in my Answer about puzzling white outs of the March 12 Orders pending further internal review, particularly where I lacked personal knowledge to explain what had happened to the file. In the end, I decided not to send the Whited-Out Orders to the Committee with my Answer to the Complaint. Instead, I returned the original Whited-Out Orders to the case file and deleted the paragraphs in my draft Answer about the Whited-Out Orders. After returning the Whited-Out Orders to the case file, the hand-written entries that we had inserted previously in the bottom margin/footer - indicating that the originals had been submitted to the JCC - were no longer accurate. So, I crossed out those hand-written entries in pen, and I wrote and initialed "Stricken" above the stricken entries to designate them as such. I then requested the assistance of Ms. Lodes to re-assemble and re-organize the case file, and I do not know if she did so.

In addition to the March 12 Orders, Administrative Judge King's letter to the Committee dated February 3, 2020 references other "missing original documents" in the file. He does not identify what other missing original documents were not located in the file. I do not believe I removed any other documents from this case file, and I have no specific recollection of doing so for any reason.

2. Did you request any member of the court staff to alter and/or remove the documents from the Campbell/Partello case record as alleged on your behalf. If so, for what purpose?

I requested Ms. Lodes to assist me with the removal of the Whited-Out Orders from the case file, photocopying of those orders as well as my initial, unobscured orders, and making notations and stamping the documents as described in Section 1, B "Removal of Documents and Related Entries in Case Record" above. To the best of my knowledge and belief, I made no other requests of court staff to alter and/or remove documents on my behalf.

3. Additional Information for the Committee's Consideration

I respectfully disagree with many of the Investigative Impressions and opinions set forth in the Judicial Branch's Confidential Factual Investigation Report. I will make myself available to review that report in detail with the Committee at any time. In the interim, there is one Investigative Impression or personal opinion addressed in the Investigative Report that I would like to address with the Committee.

I respectfully disagree with the Judicial Branch's Investigative Impression, or personal opinion, that I am the only person with any motivation to alter the file. To the contrary, I had every motivation to ensure that the case record was not altered during the JCC's review of the

Partello Complaint. In my preliminary response to this Committee dated December 12, 2019 in Case JC-19-050-C, I acknowledged that I had issued the March 12 Orders, and I discussed them in some detail. See *Preliminary Answer of Julie Introcaso* dated December 12, 2019, pp. 2-3.

Some of the Investigative Impressions set forth in the conclusory section of the Investigative Report amount to nothing more than pure speculation about why I might have done something that I did not do. And while I have respect for the process that needed to occur and the people involved in that process, I am genuinely surprised that a Judicial Branch Investigation Report postulates utterly speculative and personal suppositions about what my motivations may have been.

I ask the Committee to carefully consider whether the Judicial Branch Investigative Report contains conscious or unconscious biases that may have been held against me during this process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Julie Introcaso', with a long horizontal line extending to the right.

Hon. Julie Introcaso

**STATE OF NEW HAMPSHIRE
JUDICIAL CONDUCT COMMITTEE**

JC-19-050-C and JC-20-010-C

In RE: Honorable Julie A. Introcaso



**STATEMENT OF FORMAL CHARGES PURSUANT TO
NEW HAMPSHIRE SUPREME COURT RULE 40 (9)**

The New Hampshire Supreme Court Committee on Judicial Conduct (the "Committee"), by its Committee Counsel, complains against Judge Julie A. Introcaso as follows:

Introduction:

1. The Committee is the duly authorized Committee on Judicial Conduct established by the New Hampshire Supreme Court pursuant to the Court's constitutional and statutory authority to provide for the orderly and efficient administration of the Code of Judicial Conduct (Rule 38 of the Rules of the New Hampshire Supreme Court.) See Rule 39.
2. The Committee is proceeding against Judge Introcaso pursuant to Rule 40 (7) (a) & (b), and this Statement of Formal Charges is issued pursuant to Rule 40 (9).
3. These formal charges are brought on the basis of two complaints.
 - a. The first, (JC-19-050-C), arises out of a report filed by an individual named Robin Partello, who is a respondent in a parenting petition filed by David Campbell in the 9th Circuit Court, Hillsborough County – Family Division – Nashua, bearing docket number 659-2818-DM-0072 (hereinafter, the "Partello Report"). The Committee elevated the Partello Report to the level of a complaint on or about November 8, 2019.
 - b. The second, (JC-20-010-C), is a Committee generated complaint based on the apparent alteration of the Court file. This Committee initiated inquiry was docketed as a complaint on or about April 6, 2020.
4. Judge Introcaso is a sitting Justice of the 9th Circuit Court, and a member of the New Hampshire Bar.

Background and Facts Relating to the so-called Partello Complaint (JC-19-050-C)

5. In Judge Introcaso's answer to complaint JC-19-050-C dated January 9, 2020, she states that Attorney Sternenberg is on her recusal list.

6. In the parenting petition mentioned above, David Campbell v. Robin Partello, Docket Number: 659-2818-DM-0072 (hereinafter "Parenting Petition"), Marital Master Bruce DalPra recommended the appointment of Attorney Sternenberg as the Guardian Ad Litem (GAL).
 - a. On October 24, 2018, Judge Introcaso signed the Master's recommendation, entering an order approving the appointment of Attorney Sternenberg as the GAL in the Parenting Petition.
 - b. In her answer to complaint JC-19-050-C dated January 9, 2020, Judge Introcaso states that she approved the Master's recommendation, likely without reading the order itself before signing. She states she "likely did so without ever looking to see who he had appointed on page one."
7. On the same day, October 24, 2018, Master DalPra drafted a two-page Interim Order, in which the Master summarized pertinent facts of the case, set forth an interim parenting-time schedule, appointed Attorney Sternenberg as a GAL, and appointed James Foster as a counselor.
 - a. On October 24, 2018, Judge Introcaso signed the Master's Interim Order.
 - b. In her answer dated January 9, 2020, Judge Introcaso states that she likely signed this order without first reading it. She states "I acknowledge, in retrospect, that I should have read both #11 and #12 in greater detail, and then I could have taken steps to assure that I would not be involved in more issues that arose in this matter. . . [T]here simply isn't enough time [to] read every order coming out of Nashua Family Division in detail. . . . Basic orders recommended by Master DalPra or Referee Thom, . . . were usually signed without the most diligent review."
8. On February 15, 2019, Master DalPra recommended denying a motion to reconsider that was filed by Ms. Partello. This motion asked the court to reconsider a change to an amended parenting schedule. On February 15, 2019, Judge Introcaso signed this order, approving the Master's recommendation to deny the motion to reconsider. The motion, and the order, did not reference GAL Sternenberg.
9. On February 7, 2019, GAL Sternenberg filed a Motion for Instruction, alleging that Ms. Partello was not cooperating with the GAL. This motion asked the court to order Ms. Partello to cooperate in scheduling a home visit.
 - a. On February 15, 2019, Master DalPra recommended granting the motion, ordering Ms. Partello to cooperate with the GAL. In so doing, Master DalPra handwrote that "failure to do so may result in sanctions . . ."
 - b. On the same day, Judge Introcaso approved and signed this order. In her answer to JC-19-050-C, the Judge states "there was no doubt I was aware of Attorney Sternenberg's role in this case at that time." Therefore, she admits to knowingly signing an order relating to an attorney who was on her recusal list.

- c. In her answer to complaint JC-19-050-C, Judge Introcaso also explains that, at the time, she felt this was permissible because “this was not a ‘substantive order’ in the case, and did not resolve any specific legal issue in the case itself.”
10. On February 28, 2019, the GAL filed a motion asking the Court for instruction regarding the method of payment from respondent Ms. Partello. Essentially, Ms. Partello had insisted on paying the GAL’s retainer using Apple Pay, but the GAL refused to accept Apple Pay. In this motion the GAL asked the court to “Order Robin Partello to pay the GAL retainer in the amount of \$350 by cash, by check or by money order.” Ms. Partello objected to this motion (hereinafter “Apple Pay Motion”).
11. Also, on February 28, 2019, the GAL filed a second motion asking the Court to allow the GAL to exceed the fee cap. Ms. Partello also objected to this motion (hereinafter “Fee Cap Motion”).
12. On March 12, 2019, Judge Introcaso issued an Order on the Apple Pay Motion (hereinafter “Apple Pay Order”).
 - a. She handwrote on the GAL’s motion “Legal fees/GAL fees to be paid in Cash, by Money Order or Bank Check, ONLY.”
 - b. On the same day, the Court sent a photo-copy of this handwritten order, and a Notice of Decision (which also included a type-written quote including the full text of the Judge’s hand-written decision) to the parties. The clerk that processed this order is Julianne Lodes.
13. Also, on March 12, 2019, Judge Introcaso issued an Order on the Fee Cap Motion (hereinafter “Fee Cap Order”).
 - a. She again handwrote on the GAL’s pleading “Motion granted over the Respondent’s objection at #36.”
 - b. On the same day, the Court sent a photo-copy of this handwritten order, and a Notice of Decision (which also included a type-written quote including the full text of the Judge’s hand-written decision) to the parties. The clerk that processed this order is Julianne Lodes.
14. Shortly after Judge Introcaso issued the above-listed orders, she then asked court staff to schedule a status conference with the parties. The Court scheduled a status conference for March 19, 2019.
15. The petitioner, David Campbell, filed a motion to continue the status conference, and in his motion, he asked for clarification regarding the purpose of said conference.
16. On March 15, 2019 Judge Introcaso issued an Order granting the petitioner’s motion to continue and the March 19, 2019 status conference was canceled.

17. On March 15, 2019, Judge Introcaso issued a three-page hand-written Order, in which she, among other things, recused herself from this case (hereinafter "Recusal Order"). Specifically, in this order, the Judge:
- a. Explained that after the Marital Master originally assigned to this case was reassigned to another court, "numerous substantive motions [in this Parenting Petition] were presented to this judge for review. In doing so, this judge has determined that she is unable to address these motions, particularly as some relate directly to the payment and performance of the GAL."
 - b. Explained in great detail the nature of her conflict of interest, which, in summary, is that the Judge and the GAL have a long-standing close friendship.
 - c. Stated that "The Court does not believe this conflict, under the circumstances as stated above, is one which can be waived."
 - d. Concluded that "the wisest course for this judge, and in an attempt to provide the parties with the most unbiased and fair hearing, is to simply withdraw as the presiding justice in this matter with regret as to the delay this may cause to the parties."
 - e. Ordered (1) Judge Introcaso shall have no further involvement in this matter; (2) the Clerk shall reassign this matter, resolve the pending motions, and schedule this matter for any further hearing; and (3) no status conference will occur on March 19, 2019.

18. On September 12, 2019, Ms. Partello filed a report against Judge Introcaso with the Judicial Conduct Committee alleging judicial misconduct. This report, among other things, focuses on Judge Introcaso's conflict of interest with the GAL, and that, despite this conflict, Judge Introcaso ruled on several motions filed by, or relating to, the GAL.

Judge Introcaso's Response to the so-called Partello Complaint (JC-19-050-C)

19. The Partello Complaint alleges, in pertinent part, that Judge Introcaso ruled on several motions filed by, or relating to, the GAL, who was on her recusal list.
20. In her response, Judge Introcaso admits to ruling on these motions with the knowledge of this GAL's involvement.
21. In the beginning, Judge Introcaso maintains that she did not know of the GAL's involvement, because she sometimes did not read the orders that she was co-signing for Master DalPra.
22. Later, when she was aware of the GAL's involvement, Judge Introcaso explains that she believed her actions were permissible because she was issuing (what she believed were) non-substantive orders that did not resolve any specific legal issues in the case itself. This statement is inconsistent with her March 15, 2019 order which specifically described

the orders as “substantive . . . particularly as some relate directly to the payment and performance of the GAL.”

23. Ultimately, Judge Introcaso admits that she should not have ruled on the above-listed motions. She wrote: “I acknowledge [that] my order of March 15, 2019 [recusing myself from this case] should have been issued back in October 2018; it simply wasn’t. . . . I cannot deny that, in retrospect, my rulings and signatures may have created an impression with Ms. Partello that some impropriety on my behalf occurred.”

Facts Relating to the Second Complaint- JC-20-010-C (Committee Generated Complaint)

24. On or around October 7, 2019, Judge Introcaso took leave from her judicial duties.
25. As mentioned above, on November 8, 2019, the Committee elevated Ms. Partello’s report to the level of a complaint (JC-19-050-C) (the so-called “Partello Complaint”). Judge Introcaso’s answer was due on or before December 12, 2019, pursuant to the Committee’s Executive Secretary’s letter to Judge Introcaso dated November 12, 2019.
26. On or around December 12, 2019, while still on leave, Judge Introcaso emailed a partial answer to the Partello Complaint to the Committee, and essentially requested an extension. An extension was granted to January 16, 2020.
27. Judge Introcaso returned to work on December 16, 2019.
28. January 2, 2020, at Judge Introcaso’s request, her courtroom clerk Julianne Lodes brought volume one (1) of this two-part Parenting Petition case file to Judge Introcaso’s office. This file contained the original versions of the above-referenced Orders and Motions.
29. Clerk Sherry Bisson testified, in her examination under oath (EUO), that on January 6, 2020, she met with Judge Introcaso in her chambers to discuss her writing days. Clerk Bisson testified that during this meeting, Judge Introcaso stated that “she had the Judicial Conduct Complaint response that she needed to write [Judge Introcaso] proceeded to open the Partello case file [to] the Apple Pay order and pointed – talked to me about that order.”
30. Clerk Bisson testified that she has a clear recollection of seeing Judge Introcaso’s original hand writing on this Apple Pay order on January 6, 2020.
- a. Specifically, Clerk Bisson states that the Judge “opened the file to the Apple Pay order and explained to me why she didn’t agree that it was an issue, that it wasn’t considered a substantive order, and she opened to, on the exhibit, to the writing part of the order, she took her finger and read across the lines in front of me and said that she could write that order [because it was not substantive].”
 - b. Clerk Bisson further states “She pointed to that in my presence. Not only pointed to it but she took her finger and read the order as her finger was moving across the text.”

31. Contrary to Clerk Bisson's July 22, 2020 EUO testimony described above, Judge Introcaso's January 9, 2020 answer states that she had not opened the file before January 9, 2020.

32. According to Judge Introcaso, the following events occurred on January 9, 2020:

- a. When reviewing the court's file to answer the Partello Complaint, Judge Introcaso discovered that the handwritten portion of her Apple Pay and Fee Cap Orders had been completely obscured with white-out correction tape (hereinafter "Whited-Out Orders").
- b. Judge Introcaso then explains that "I immediately considered who could have obscured the Whited-Out Orders and for what purpose, and I made several inquiries to determine what had happened." This included:
 - i. Questioning two members of the court staff, Julianne Lodes and Nancy Dabilis, if they had altered these orders;
 - ii. Emailing judicial officers and other clerks asking them if they had any contact with the file (without disclosing that the file had been altered); and
 - iii. Reviewing the "sign out sheets" to determine if Ms. Partello or any other individual had physical access to the file. (The sign out sheets did not record any member of the public having contact with the file.)
- c. Judge Introcaso states that she then decided to provide the original whited-out copies as exhibits with her Answer to the Partello complaint. Judge Introcaso then removed the originals from the file and replaced whited-out orders with substitute photocopies. In her answer, Judge Introcaso explains:
 - i. "I asked my Courtroom Clerk Julianne Lodes to make photocopies of my initial, unobscured March 12th Orders to serve as temporary substitute Orders to be placed in the file. . . . I asked Ms. Lodes to label the replacement photocopies in the file as a "Copy." I also asked her to make a simple notation at the bottom/footer of the documents indicating that the originals had been submitted to the JCC."
 - ii. "[U]pon further reflection I changed my mind, and I eventually elected to leave the original White-Out Orders in the case record."
 - iii. "After returning the White-Out Orders to the case file, the hand-written entries that we had inserted previously in the bottom margin/footer – indicating that the originals had been submitted to the Committee – were no longer accurate. So, I crossed out those hand-written entries in pen, and I wrote and initialed 'Stricken' above the stricken entries to designate them as such."

33. Julianne Lodes testified to the following facts in her EUO:

- a. On January 2, 2020, Ms. Lodes handed Judge Introcaso the Partello file at Judge Introcaso's request so that Judge Introcaso could respond to a JCC complaint.
- b. To Ms. Lodes' knowledge the Partello file remained in Judge Introcaso's chambers between January 2 and 9, 2020.
- c. On January 9, 2020, Julianne Lodes met with Judge Introcaso in Judge Introcaso's chambers. At that time, Judge Introcaso showed Ms. Lodes "an order where everything was whited out, okay, with whiteout. And she said to me, did you do this to protect me?" Ms. Lodes responded "no, I didn't do that to protect you, I wouldn't do that."
- d. During their chambers' conversation on January 9, 2020, after denying whiting out the March 12th Orders, Ms. Lodes asked the judge if it was possible that Robin Partello whited out the Orders. Then Ms. Lodes reviewed the "sign-out" sheets that litigants or members of the public must sign to gain physical access to the Court files. It did not appear that Ms. Partello ever looked at the Court file or had it in her possession.
- e. Also, on January 9th, 2020, Judge Introcaso asked Ms. Lodes to make copies of the March 12th, 2019 Orders and then to stamp the original Order and the copy. Judge Introcaso, while in the process of answering the JCC complaint was typing, with her back to Ms. Lodes, and stated that she was typing an affidavit for Ms. Lodes to sign, including the information about when Ms. Lodes brought the file to her.
- f. Ms. Lodes thought to herself that she was not going to sign any affidavit and stated, "But at one point, after doing these copies and writing original and sign your name and putting my initials, I'm thinking, something is not right here. I just got up and left."
- g. But before leaving chambers, Ms. Lodes responded to Judge Introcaso's concern about the whited-out March 12th, 2019 Orders and stated to her "... I don't think that you have to worry about this because everything is on my Notice of Decision. It's all spelled out. So it's there."

34. On January 9, 2020, the same day that Judge Introcaso claims she discovered the whited-out orders and took the above-described steps, she completed drafting her answer to the Partello Complaint and sent it to the Committee. This answer is summarized above, where the Judge acknowledges ruling on motions in a case that she should have recused herself in, due to her conflict with the GAL.

35. On January 14, 2020, two members of the court staff, Julianne Lodes and Nancy Dabilis, met with Judge Leary to report that, during the prior week on January 9, 2020, Judge Introcaso had asked them if they had whited out her two March 12, 2019 orders. Ms. Lodes and Ms. Dabilis then met with Clerk Sherry Bisson, to report the same.
36. When Ms. Lodes and Ms. Dabilis told Clerk Bisson that the handwritten portion of the Apple Pay order was obscured by white-out tape, Clerk Bisson remembered seeing the un-altered Apple Pay Order eight days before, when the judge was showing it to her in her chambers on January 6, 2020.
37. Clerk Bisson believes the order was obscured between January 6, 2020 and January 9, 2020, during the time that the file was in Judge Introcaso's chambers.
38. The above-listed facts were reported to the Judicial Conduct Committee, which forms the basis of the second complaint, (JC-20-010-C), which is a Committee Generated Complaint.

Judge Introcaso's Response to the Committee Generated Complaint

39. Judge Introcaso denies whiting-out her March 12, 2019 Apple Pay and Fee Cap Orders.
 - a. As mentioned above, Judge Introcaso's January 9, 2020 answer to complaint JC-19-050-C states that she had not opened the file before January 9, 2020.
 - b. She admits altering the orders by stamping/initialing them, but she denies altering the orders by whiting-out her handwriting.
 - c. She further notes that while she was reviewing the case record, she also had "unaltered versions of the March 12 Orders [with her] because copies of the unaltered March 12 Orders were included as attachments to Ms. Partello's Judicial Conduct Complaint."
 - i. The fact that Judge Introcaso had copies of the unaltered versions of the March 12 Orders with her during the time in question (between January 6 and January 9, 2020) is consistent with her December 12, 2019 email to the JCC. In that email she stated "[i]n reviewing what I have been given [referenced above as the Partello Report and attachments], it is obvious I issued two orders on motions from the general 'signing pile' in the Clerk's office, dated March 2019."
40. Judge Introcaso admits her actions on January 9, 2020, including asking court staff members if they whited-out court orders, caused serious anxiety.
 - a. In her answer, she wrote: "I now appreciate that my handling of this case record on January 9, 2020 created serious concern and anxiety with clerks and employees."

41. Judge Introcaso admits to altering files by stamping and initialing them, and further to directing her courtroom clerk to assist her with these alterations.
- a. "I asked my Courtroom Clerk Julianne Lodes to make photocopies of my initial, unobscured March 12th Orders to serve as temporary substitute Orders to be placed in the file."
 - b. "I asked Ms. Lodes to label the replacement photocopies in the file as a 'Copy.' I also asked her to make a simple notation at the bottom/footer of the documents indicating that the originals had been submitted to the JCC."
 - c. After changing her mind about submitting the originals to the JCC, the notations "indicating that the originals had been submitted to the JCC – were no longer accurate. So, I crossed out those hand-written entries in pen, and I wrote and initialed "Stricken" above the stricken entries to designate them as such."
42. Judge Introcaso admits her actions in initialing/stamping original orders in a court file raised several concerns.
- a. "I acknowledge that my responses resulted in the creation of confusing hand-written notations being logged into and subsequently stricken from this case record."
 - b. "To the extent that my handling of this unusual situation . . . has made this Committee's work and the Judicial Branch's investigation of this situation more difficult, I am deeply remorseful and apologetic for my actions."
43. Judge Introcaso contends that she discovered that court files had been altered on January 9, 2020, yet never reported the alterations to her supervisors or the Court Clerk.
- a. "In retrospect, I wish I had consulted with my superior judge or Clerk of Court immediately."
 - b. Judge Introcaso claims she discovered the white-out alterations on January 9, 2020. Ms. Lodes and Ms. Dabilis reported this to Judge Leary on January 14, 2020, which is six days later. Judge Introcaso had not reported the alterations to any supervisors during this time.
44. The facts set forth above establish compelling circumstantial evidence that Judge Introcaso whited out the Apple Pay Order and Fee Cap Order some time between January 6 and January 9, 2020. At the time she knew that there was an ongoing investigation by the Committee with respect to her rulings on this order. This alleged alteration of the order could constitute a felony of Falsifying Physical Evidence in violation of RSA 641:6. It is possible that Judge Introcaso may have whited out the Apple Pay Order and Fee Cap Order at some other time, possibly as early as March 15, 2019. In such case the alleged alteration could constitute the misdemeanor of Tampering with Public Records or Information in violation of RSA 641:6 (I) or (II). In summary the following facts support this conclusion:

- a. The evidence demonstrates that Julianne Lodes brought Volume 1 of the Partello file to Judge Introcaso's chambers on January 2, 2020, at Judge Introcaso's request so that Judge Introcaso could respond to Partello complaint.
- b. On January 6, 2020, Judge Introcaso discussed the Apple Pay Order with Clerk Bisson and actually showed Clerk Bisson Judge Introcaso's own handwritten margin order in the Partello file.
- c. There is no evidence that Volume 1 of the Partello file left Judge Introcaso's chambers between January 6 and January 9, 2020, or that anyone other than Judge Introcaso accessed that file.
- d. On January 9, 2020, Judge Introcaso showed Julianne Lodes the Apple Pay Order that had been whited out.
- e. There is no evidence that anyone other than Judge Introcaso had whited out the Apple Pay Order or Fee Cap Order.
- f. Judge Introcaso confronted Julianne Lodes about whether Ms. Lodes had whited out the Apple Pay Order to protect Judge Introcaso.
- g. Julianne Lodes denies applying any white out to any orders.
- h. This evidence strongly supports one of the following conclusions: (1) either Judge Introcaso altered or concealed the Whited-Out Orders "with a purpose to impair its verity or availability" to the Committee investigating; or (2) Judge Introcaso presented the Whited-Out Orders, which she had altered "with a purpose to deceive a public servant who is or may be engaged in such proceeding or investigation." This conduct, if found to be true, could constitute a felony of Falsifying Physical Evidence in violation of RSA 641:6, I or II.

Violations of the Code

- 45. Canon 1, Rule 1.1 (*Compliance with the Law*) of the Code of Judicial Conduct (Supreme Court Rule 38) provides that: "A judge shall comply with the law, including the Code of Judicial Conduct." The facts suggest that Judge Introcaso may have committed a crime by whiting out the Apple Pay Order and Fee Cap Order knowing that the Committee was investigating whether Judge Introcaso violated the Code of Judicial Conduct for issuing those Orders and that she did so with the purpose to the verity or availability of the order to the Committee or with the purpose of deceiving the Committee into thinking someone else altered the orders.
- 46. Canon 1, Rule 1.2 (*Promoting Confidence in the Judiciary*) of the Code of Judicial Conduct (Supreme Court Rule 38) provides that: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety." Canon 1, Rule 1.1 (*Compliance with the Law*) of the Code of Judicial Conduct (Supreme Court

Rule 38) provides that: "A judge shall comply with the law, including the Code of Judicial Conduct." Judge Introcaso issued an order or approved recommendations from the marital master which benefited her friend Kathleen Sternenberg by appointing Attorney Sternenberg as GAL and approving orders relating her the payment of Attorney Sternenberg's fees. By not recusing herself in this situation, Judge Introcaso created both an appearance of impropriety and an actual impropriety by favoring her friend over the objection of Robin Partello.

47. Canon 1, Rule 1.2 (*Promoting Confidence in the Judiciary*) of the Code of Judicial Conduct (Supreme Court Rule 38) provides that: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety." Signing orders without reading them, and without checking for any conflicts of interest, violates this rule because it undermines the public confidence in the judiciary, as Judge Introcaso admits. ("I should have read both #11 and #12 in greater detail . . . Basic orders recommended by Master DalPra or Referee Thorn, . . . were usually signed without the most diligent review.")
48. Canon 2, Rule 2.5 (*Competence, Diligence and Cooperation*) of the Code of Judicial Conduct (Supreme Court Rule 38) provides that: "A judge shall perform judicial and administrative duties, competently and diligently." Signing orders without reading them, and without checking for any conflicts of interest, violates this rule because it is a failure to perform judicial responsibilities competently and diligently, as Judge Introcaso admits. ("I should have read both #11 and #12 in greater detail . . . Basic orders recommended by Master DalPra or Referee Thorn, . . . were usually signed without the most diligent review.")
49. Additionally, ruling on motions without first disclosing a conflict of interest, "creates the appearance of impropriety", also in violation of Canon 1, Rule 1.2 and Canon 2, Rule 2.11. See Judge Introcaso's Answer ("I cannot deny that, in retrospect, my rulings and signatures may have created an impression with Ms. Partello that some impropriety on my behalf occurred.").
50. Canon 2, Rule 2.5(B) (*Competence, Diligence and Cooperation*) states that: "A judge shall cooperate with other judges and court officials in the administration of court business." Questioning court employees about whether they whited-out court orders, and requesting their assistance with further alterations of court orders by copying, stamping, and making notations in the margins, in addition to the other actions described above, violates this rule because it does not promote cooperation with court officials in the administration of court business. As Judge Introcaso admitted, instead of promoting the cooperative administration of court business, she "created serious concern and anxiety with clerks and employees." This further violates Canon 1, Rule 1.2 by "creating the appearance of impropriety."

51. Lastly, Judge Introcaso's failure to report the discovery of the white-out alterations implicates several rules of judicial conduct.
- a. Given that these were the two orders at issue in the pending Partello complaint (JC-19-050-C), failing to report that these orders were completely concealed by white-out violates Canon 2, Rule 2.16, which states that "A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies." Failing to report an alteration to a file at issue in a pending complaint is not candid, open, and honest, behavior.
 - b. Her failure to report their alteration, in combination with the other facts and circumstances in this case, fails to promote confidence in the judiciary, in violation of Canon 1, Rule 1.2, by "creating the appearance of impropriety."
 - c. The failure to report the alteration of court files violates Canon 2, Rule 2.5 because it does not promote the cooperation with other judges and court officials in the administration of court business.
52. Based on the apparent facts of this case, Judge Introcaso engaged in conduct which she knew or should have known was a violation of Canon 1, Rule 1.1 and Rule 1.2, Canon 2, Rule 2.5, 2.11 and Rule 2.16. Acting in a manner that violates the Code does not promote public confidence in the integrity of the judiciary, which also gives rise to the appearance of impropriety as a further violation of the code.

Formal Charges

53. Based on the foregoing, there is clear and convincing evidence of violation of the following provisions of the Code of Judicial Conduct:
- d. Judge Introcaso, in violation of Canon 1, Rule 1.1, failed to comply with the law, including the Code of Judicial Conduct.
 - e. Judge Introcaso, in violation of Canon 1, Rule 1.2, failed to act at all times in a manner that promotes public confidence in the impartiality of the judiciary.
 - f. Judge Introcaso, in violation of Canon 1, Rule 1.2, failed to avoid impropriety and the appearance of impropriety.
 - g. Judge Introcaso, in violation of Canon 2, Rule 2.5, failed to perform judicial responsibilities competently and diligently.
 - h. Judge Introcaso, in violation of Canon 2, Rule 2.5, failed to cooperate with other judges and court officials in the administration of court business.
 - i. Judge Introcaso, in violation of Canon 2, Rule 2.11, failed to disqualify herself in a proceeding in which the judge's impartiality might reasonably be questioned.

- j. Judge Introcaso, in violation of Canon 2, Rule 2.16, failed to cooperate with judicial disciplinary agencies.
- k. Judge Introcaso, in violation of Canon 2, Rule 2.16, failed to cooperate and be candid and honest with judicial agencies.

Within thirty (30) days of receipt of this Formal Statement of Charges, the Respondent shall file an Answer with the Executive Secretary of the Committee on Judicial Conduct in accordance with Supreme Court Rule 40(9)(F), setting forth all denials, affirmative defenses, mitigating circumstances, and other matters which Judge Introcaso intends to raise at the hearing.

Respectfully submitted,

Judicial Conduct Committee

By its Committee Counsel,

By: /s/ Philip R. Waystack
Philip R. Waystack, Esquire

JUDICIAL CONDUCT COMMITTEE

Dated: October 14, 2020

By: /s/ Mary E. Collins
Mary E. Collins, Chair

STATE OF NEW HAMPSHIRE
JUDICIAL CONDUCT COMMITTEE

JC-19-050-C and JC-20-010-C

In RE: Honorable Julie A. Introcaso



JUDGE JULIE A. INTROCASO'S ANSWER AND DEFENSES TO STATEMENT OF
FORMAL CHARGES PURSUANT TO NEW HAMPSHIRE SUPREME COURT RULE
40 (9) AND REQUEST FOR A HEARING

Judge Julie A. Introcaso ("Judge Introcaso"), by and through counsel, McLane
Middleton, Professional Association, answers the Statement of Formal Charges brought by the
New Hampshire Supreme Court Committee on Judicial Conduct (the "Committee") as follows:

Introduction

1. Admitted.
2. Paragraph 2 states conclusions of law to which no response is required.
3. Admitted that the formal charges are brought on the basis of the two complaints
described in subparagraphs (a) and (b).
4. Admitted.

Background and Facts Relating to the so-called Partello Complaint (JC-19-050-C)

5. Admitted.
6. The allegations in paragraph 6, including the allegations in subparagraphs (a) and
(b), are admitted.
7. The allegations in paragraph 7, including the allegations in subparagraphs (a) and
(b), are admitted.
8. Admitted.
9. The allegations in paragraph 9, including the allegations in subparagraphs (a), (b),
and (c), are admitted.

10. Admitted.

11. Admitted.

12. The allegations in paragraph 12, including the allegations in subparagraphs (a) and (b), are admitted.

13. The allegations in subparagraph 13 (a) are admitted. Judge Introcaso is without sufficient knowledge or information sufficient to form a belief as to the truth of the allegation in subparagraph (b) concerning what date the Court actually “sent” a photo-copy of the handwritten order and Notice of Decision to the parties, and therefore denies the allegation. Judge Introcaso is without sufficient knowledge or information sufficient to form a belief as to the truth of the allegation in subparagraph (b) that Julianne Lodes was the only clerk that processed the Fee Cap Order, and therefore denies the allegation.

14. Judge Introcaso admits the allegation in paragraph 14 that she asked court staff to schedule a status conference with the parties, and that the Court scheduled a status conference for March 19, 2019. Judge Introcaso denies the allegations of paragraph 14 to the extent paragraph 14 alleges a specific sequence of the timing between her issuance of the “above-listed” orders and her request to court staff to schedule a status conference with the parties.

15. Admitted.

16. Admitted.

17. Judge Introcaso admits the allegation in paragraph 17 that she issued a three-page, handwritten Recusal Order on March 15, 2019 in which she recused herself from the case and provided a detailed explanation for why she was doing so. Because subparagraphs (a), (b), (c), (d), and (e) at times attempt to paraphrase portions of the Recusal Order using certain adjectives not contained in the Recusal Order (e.g. “close”), and because the subparagraphs at times contain

only selected quotes from the Recusal Order, Judge Introcaso denies that the subparagraphs fully or accurately capture the entirety of her Recusal Order, and she states that the Recusal Order speaks for itself.

18. Admitted, and by way of further answer, Judge Introcaso states that Ms. Partello's complaint did not allege that Judge Introcaso had ruled on any motions filed by, or relating to, the GAL after March 15, 2019, the date upon which Judge Introcaso had recused herself from the case. Rather, Ms. Partello's complaint addressed rulings by Judge Introcaso that Judge Introcaso had disclosed to the parties in her Recusal Order dated March 15, 2019 that had been subsequently and independently reviewed and re-affirmed by Judge Derby on April 26, 2019.

Judge Introcaso's Response to the so-called Partello Complaint (JC-19-050-C)

19. Admitted.

20. Judge Introcaso admits that she filed a response to the Partello Complaint and answers that her response to the Partello Complaint speaks for itself.

21. Judge Introcaso admits that she filed a response to the Partello Complaint and answers that her response to the Partello Complaint speaks for itself.

22. Judge Introcaso admits that she filed a response to the Partello Complaint and answers that her response to the Partello Complaint speaks for itself.

23. Judge Introcaso admits that she filed a response to the Partello Complaint and answers that her response to the Partello Complaint speaks for itself.

Facts Relating to the Second Complaint – JC-20-010-C (Committee Generated Complaint)

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted.

28. Judge Introcaso admits a portion of the first sentence of paragraph 28 that her courtroom clerk Julianne Lodes brought volume one of the Parenting Petition case file to Judge Introcaso's office on January 2, 2020. Judge Introcaso denies the remaining portion of the first sentence of paragraph 28 that alleges Judge Introcaso made that request on January 2, 2020. Judge Introcaso is without sufficient knowledge or information to form a belief as to the truth of the allegation in the second sentence of Paragraph 28, and therefore denies the allegation.

29. Judge Introcaso denies the allegations in Paragraph 29 that are attributed to Clerk's Bisson's testimony. Judge Introcaso is without knowledge or information sufficient to form a belief as to the truth of the allegations concerning what Clerk Bisson testified to, and therefore she denies the allegations concerning the attributions to Clerk Bisson's testimony.

30. Judge Introcaso denies the allegations in Paragraph 30. Judge Introcaso is without knowledge or information sufficient to form a belief as to the truth of the allegations concerning what Clerk Bisson testified to, and therefore she denies the allegations concerning the attributions to Clerk Bisson's testimony.

31. Judge Introcaso admits that her January 9, 2020 answer states that she had not opened the file before January 9, 2020, and she denies the allegation that she had opened the file on January 6, 2020.

32. Judge Introcaso admits that, on April 3, 2020, she provided a written response to the JCC's preliminary request for information concerning matter JC-20-010-C, which later was adopted as her answer to the Committee-generated complaint, and that her written response to the JCC's request for information speaks for itself. By way of further answer, Judge Introcaso notes that Paragraph 32 is the only paragraph in the Statement of Formal Charges that omits proper citation or sourcing of the quotations contained therein. By comparison, Paragraph 31

quotes and cites to Clerk's Bisson's examination under oath, and Paragraph 33 quotes and cites to Clerk Lodes examination under oath. In contrast, Paragraph 32 is not referencing or quoting any examination under oath of Judge Introcaso. That is because Judge Introcaso was not afforded an opportunity to be examined under oath by the JCC before the Statement of Charges was issued. The sequencing of paragraphs 31, 32, and 33, as well as the use of selected quotations in Paragraph 32 without citation or sourcing, is easily misconstrued to infer that Judge Introcaso was similarly afforded an opportunity to be examined under oath, but she was not.

33. Judge Introcaso is without knowledge or information sufficient to form a belief as to the truth of the allegations concerning what Clerk Lodes testified to, and therefore she denies the allegations concerning the attributions to Clerk Lodes' testimony.

34. Judge Introcaso admits the allegations in the first sentence of Paragraph 34 concerning when she discovered the whited-out orders and when she drafted her answer to the Partello complaint, with the exception of her initial answer dated December 12, 2019. Judge Introcaso denies the allegation in the first sentence of Paragraph 34 that she sent her answer to the Committee on January 9. Judge Introcaso denies the second sentence of Paragraph 34 to the extent it suggests her answer is fully summarized above in the Statement of Formal Charges, and she states that her answer to the Partello complaint speaks for itself.

35. Judge Introcaso is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35 of the Statement of Formal Charges and, therefore, denies them.

36. Judge Introcaso is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 36 of the Statement of Formal Charges and, therefore, denies them.

37. Judge Introcaso is without knowledge or information sufficient to form a belief as to what Clerk Bisson believes, and therefore denies the allegations in paragraph 37. By way of further answer, Judge Introcaso states that the Statement of Formal Charges should not rely on the beliefs or the assertions of beliefs of Clerk Bisson. This allegation should be inadmissible as evidence, is prejudicial to Judge Introcaso, and members of the JCC who are laypersons should be provided with curative instructions.

38. Judge Introcaso answers that the Committee-generated Complaint speaks for itself, and other than the specific factual allegations contained in that Complaint, she is without knowledge or information sufficient to form a belief as to the truth of the general allegation about what particular facts may have formed the basis of that Complaint.

Judge Introcaso's Response to the Committee-Generated Complaint

39. Judge Introcaso answers that her response to the Committee-generated Complaint speaks for itself. By way of further answer, in response to subparagraph (a), when Judge Introcaso indicated "that she had not opened the file before January 9, 2020," she was referencing the time period between January 2, 2020 (the date when the file was delivered to her office) and January 9, 2020. She was not suggesting that she had not opened the file at other times prior to January 2, 2020. In response to subparagraph (b), Judge Introcaso denies that she admitted to altering any orders. Judge Introcaso specifically denied altering the orders in her response, but she also noted exceptions to this characterization of "altering" when she discussed her notations and initialing of certain explanatory, handwritten entries in the case file. Judge Introcaso denies that she ever admitted to altering orders by stamping them or initialing them, though Judge Introcaso did admit to initialing orders without characterizing her actions as an alteration, as described in her response.

40. Judge Introcaso answers that her response to the Committee-generated Complaint speaks for itself. By way of further answer, a more complete description of Judge Introcaso's statement summarized in Paragraph 40 is as follows: "First and foremost, and having carefully reviewed and reflected upon the Judicial Branch's Confidential Factual Investigation Report, I now appreciate that my handling of this case record on January 9 created serious concern and anxiety with clerks and employees. It was never my intention to do so."

41. Judge Introcaso answers that her response to the Committee-generated Complaint speaks for itself. By way of further answer, Judge Introcaso denies that she admitted to altering any orders. In her response, Judge Introcaso specifically denied altering the orders, but she also noted exceptions to this characterization of "altering" when she discussed her notations and initialing of certain explanatory, handwritten entries in the case file. Judge Introcaso denies that she ever admitted to altering orders by stamping them or initialing them. Judge Introcaso admits that she initialed orders as described in her response. Judge Introcaso denies that she admitted to stamping the orders in her response.

42. Judge Introcaso answers that her response to the Committee-generated Complaint speaks for itself. By way of further answer, Judge Introcaso denies that she ever admitted to stamping orders in her response.

43. Judge Introcaso answers that her response to the Committee-generated Complaint speaks for itself. By way of further answer, while Judge Introcaso admits in her answer that she wished she had consulted with her superior judge or Clerk of Court immediately, Judge Introcaso denies that her answer included a contention that she never reported the alterations to her supervisors or the Court Clerk. Judge Introcaso is without knowledge or information sufficient

to form a belief as to whether and when Clerk Lodes and Ms. Dabilis reported the alterations to Judge Leary, and on that basis, denies the allegation.

44. Judge Introcaso denies the allegations that she whited out the Order between January 6 and January 9, 2020. Judge Introcaso denies that allegations of “possible” violations of RSA 641:6. The Statement of Formal Charges sets forth no facts supporting the sweeping, alternative allegation that Judge Introcaso may have whited out the orders “at some other time, possibly as early as March 15, 2019,” and the assertion of “other possibilities” lacks any factual grounding, clarity, or particularity so as to warrant further response. The allegations in subparagraphs (a), (b), (c), (d), (e), (f), (g), and (h) are denied.

Violations of the Code

45. The allegations in paragraph 45 are legal conclusions to which Judge Introcaso is not required to respond with an admission or denial. To the extent a response is required, the allegations in paragraph 45 are denied.

46. The allegations in paragraph 46 are legal conclusions to which Judge Introcaso is not required to respond with an admission or denial. To the extent a response is required, the allegations in paragraph 46 are denied.

47. The allegations in paragraph 47 are legal conclusions to which Judge Introcaso is not required to respond with an admission or denial. To the extent a response is required, the allegations in paragraph 47 are denied.

48. The allegations in paragraph 48 are legal conclusions to which Judge Introcaso is not required to respond with an admission or denial. To the extent a response is required, the allegations in paragraph 48 are denied.

49. The allegations in paragraph 49 are legal conclusions to which Judge Introcaso is not required to respond with an admission or denial. To the extent a response is required, the allegations in paragraph 49 are denied.

50. The allegations in paragraph 50 are legal conclusions to which Judge Introcaso is not required to respond with an admission or denial. To the extent a response is required, the allegations in paragraph 50 are denied.

51. The allegations in paragraph 51 are legal conclusions to which Judge Introcaso is not required to respond with an admission or denial. To the extent a response is required, the allegations in paragraph 51, including the allegations in subparagraphs (a), (b), and (c), are denied.

52. The allegations in paragraph 52 are legal conclusions to which Judge Introcaso is not required to respond with an admission or denial. To the extent a response is required, the allegations in paragraph 52 are denied.

53. The allegations in paragraph 53 are legal conclusions to which Judge Introcaso is not required to respond with an admission or denial. To the extent a response is required, the allegations in paragraph 53, including the allegations in subparagraphs (d), (e), (f), (g), (h), (i), (j), and (k), are denied.

Mitigating Factors

54. At all times, Judge Introcaso faithfully discharged the duties of her office.

55. Judge Introcaso made timely and good faith efforts to rectify the consequences of having signed certain orders in the Partello case involving a guardian ad litem on her recusal list by (a) issuing a detailed, three-page Recusal Order disclosing her conflict of interest; (b) notifying the parties of her conflict of interest; (c) notifying the Clerk's Office of her conflict of interest and providing instructions to the Clerk's Office to stop sending her the Partello file; (d)

documenting her recusal in the Partello file; (e) scheduling a status conference with the parties to review her disclosed conflict of interest, which status conference was subsequently cancelled after one of the parties had raised questions about the scheduling of the status conference; and (f) after her recusal, ensuring that another judge reviewed and reaffirmed the orders she had issued in the case.

56. Judge Introcaso's corrective action was prompt. After she signed the Apple Pay and Fee Cap orders, she promptly notified the Clerk's Office of her conflict and she promptly scheduled a status conference with the parties to discuss the matter.

57. Any appearance of impropriety that may have been created when Judge Introcaso signed orders in the Partello case was substantially cured by her Recusal Order, her detailed disclosure of the nature of her conflict, and the reassignment of the case to another judge who reaffirmed the orders at issue.

58. At the time Judge Introcaso signed the Apple Pay and Fee Cap orders, she was experiencing work-related stress caused by her demanding judicial workload and her expanding judicial signing duties associated with the recent transition of marital masters and judges at the 9th Circuit Court in Nashua.

59. Judge Introcaso acknowledged signing the Apple Pay and Fee Cap orders, and she accepted responsibility for her conflict of interest in doing so, when she filed her answers to the Partello complaint (JC-19-050-C) on December 12, 2019 and January 9, 2020 respectively.

60. Judge Introcaso fully cooperated with the Judicial Conduct Committee in responding to the Partello complaint (JC-19-050-C). Her response was timely, and her request for an extension of time to more fully answer the Partello complaint was reasonable given that

she did not have access to the Partello case file in the courthouse when she filed her initial answer on December 12, 2019.

61. Judge Introcaso's conduct in issuing orders in the Partello case did not involve any behavior or conduct on the bench towards litigants, but rather pertained to her judicial duties outside of the courtroom in issuing orders from the signing table at the 9th Circuit Court in Nashua.

62. Judge Introcaso's conduct in issuing orders in the Partello case did not involve any economic detriment to the litigants or public.

63. Judge Introcaso has expressed remorse for having issued orders in the Partello case.

64. The 9th Circuit Court in Nashua lacked adequate policies, procedures, and protocols regarding the assignment of case files to judges at the signing table, and it lacked adequate policies, procedures, and protocols regarding the identification of judicial recusals on court files.

65. When Judge Introcaso discovered the whited-out orders on January 9, 2020, she did not keep the matter secret, but rather, she promptly engaged her clerks and fellow judges in an effort to address the matter and determine what had happened.

66. Judge Introcaso did not engage in any willful misconduct in office.

67. Judge Introcaso did not violate any laws of the State of New Hampshire.

68. Judge Introcaso lacked any selfish or dishonest motives related to all allegations set forth in the Statement of Formal Charges.

69. Judge Introcaso fully cooperated with the Judicial Branch Confidential Investigation concerning the whited-out orders.

70. Judge Introcaso fully cooperated with the Judicial Conduct Committee's preliminary investigation concerning the whited-out orders.

71. Judge Introcaso had denied that she whited out the orders as alleged between January 6 – 9, 2020. In doing so, she has acknowledged and accepted responsibility for her shortcomings in addressing the matter on January 9, 2020. She has expressed remorse for the anxiety and distress experienced by clerks in addressing the matter with her on January 9, 2020.

72. The alleged misconduct is isolated to one case.

73. The alleged misconduct did not involve a pattern of misconduct and did not occur over a significant period of time.

74. Judge Introcaso has suffered other serious repercussions for the alleged misconduct, including, but not limited to, being placed on involuntary leave from her judicial assignments for ten (10) months and extending at least until a hearing is concluded.

75. Judge Introcaso has made positive contributions as a judge, a court clerk, and an attorney to the court and her community.

76. Judge Introcaso is of good character and reputation.

77. Judge Introcaso has never been sanctioned by any disciplinary board.

Other Defenses

First Defense – General Denial

Judge Introcaso denies each and every allegation in the Statement of Formal Charges not specifically admitted or otherwise specifically responded to herein. Judge Introcaso denies that she has violated any Canons of the Code of Judicial Conduct or laws.

Second Defense – No Clear and Convincing Evidence

Clear and convincing evidence establishes “a factual conclusion to be highly probable, rather than merely more probable than not.” N.H. Civil Jury Instruction 5.2 (2020) (emphasis added). The evidence in this case, including circumstantial evidence, reviewed under the clear and convincing evidence standard, is not highly probable. This standard cannot be met here.

**Third Defense – Circumstantial Evidence Does Not Exclude
All Rational Conclusions Other Than Guilt**

The Statement of Formal Charges relies exclusively on circumstantial evidence to allege, among other things, that Judge Introcaso whited out orders and “may have committed a crime,” including the assertion of the culpable mental state of purposeful conduct. Where the Statement of Formal Charges alleges a mens rea and potential criminal conduct supported by circumstantial evidence, as a basis for establishing a violation of both criminal law and judicial canons, and Judge Introcaso is required to defend herself against circumstantial allegations of potential criminal conduct, the circumstantial evidence presented must exclude all rational conclusions other than guilt, even under a clear and convincing standard, and the circumstantial evidence in this matter is insufficient to exclude all rational conclusions other than guilt.

Fourth Defense
Alternative Theories Lack Particularity

The Statement of Formal Charges alleges insufficient facts to support the alternative theory that Judge Introcaso whited out the Apple Pay Order and Fee Cap Order “at some other time” “as early as March 15, 2019.” *See* Statement of Formal Charges, ¶ 44. The Statement of Formal Charges provides Judge Introcaso with insufficient notice of the charges being brought against her. The Statement of Formal Charges does not contain any particulars supporting this allegation, it does not identify any other specific dates when the conduct may have occurred, does not allow Judge Introcaso to be meaningfully informed of the allegations against her, does not prevent her from being taken by surprise based on the generality of the assertion, and does not meaningfully allow her to defend against the allegations.

Reservation of Rights

Discovery in this matter is outstanding, and Judge Introcaso reserves the right to supplement or amend this Answer and the Defenses.

Request for a Hearing

Judge Introcaso requests that a hearing taking place concerning the allegations in the Statement of Formal Charges.

Conclusion

Judge Introcaso respectfully requests that the Statement of Formal Charges be dismissed.

Respectfully submitted,

JULIE A. INTROCASO

By its attorneys,

McLANE MIDDLETON, PROFESSIONAL
ASSOCIATION

Dated: November 18, 2020

By: /s/ Michael A. Delaney
Michael A. Delaney, Bar No. 10504
michael.delaney@mclane.com
900 Elm Street, P.O. Box 326
Manchester, NH 03105
(603) 625-6464

Certificate of Service

I certify that, on November 18, 2020, I served the foregoing Answer on Philip Waystack,
Committee Counsel via email.

/s/ Michael A. Delaney
Michael A. Delaney, N.H. Bar No. 10504

JCC Timeline



10/24/18 – Order appointing GAL signed by J. Introcaso

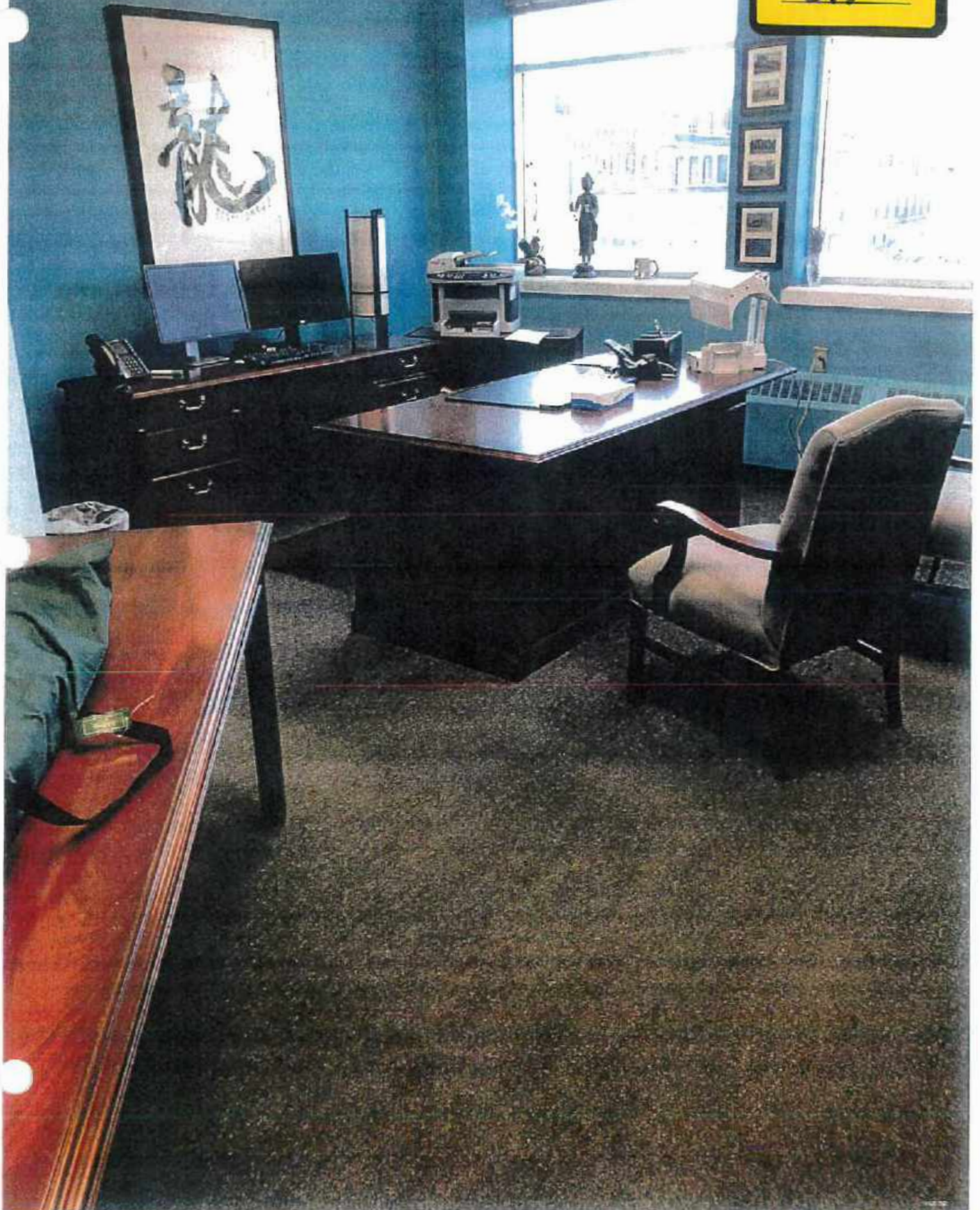
02/15/19 – Notice of Decision (NOD) (Dalpa/Introcaso) Respondent to cooperate w/GAL or sanctions in parenting plan.

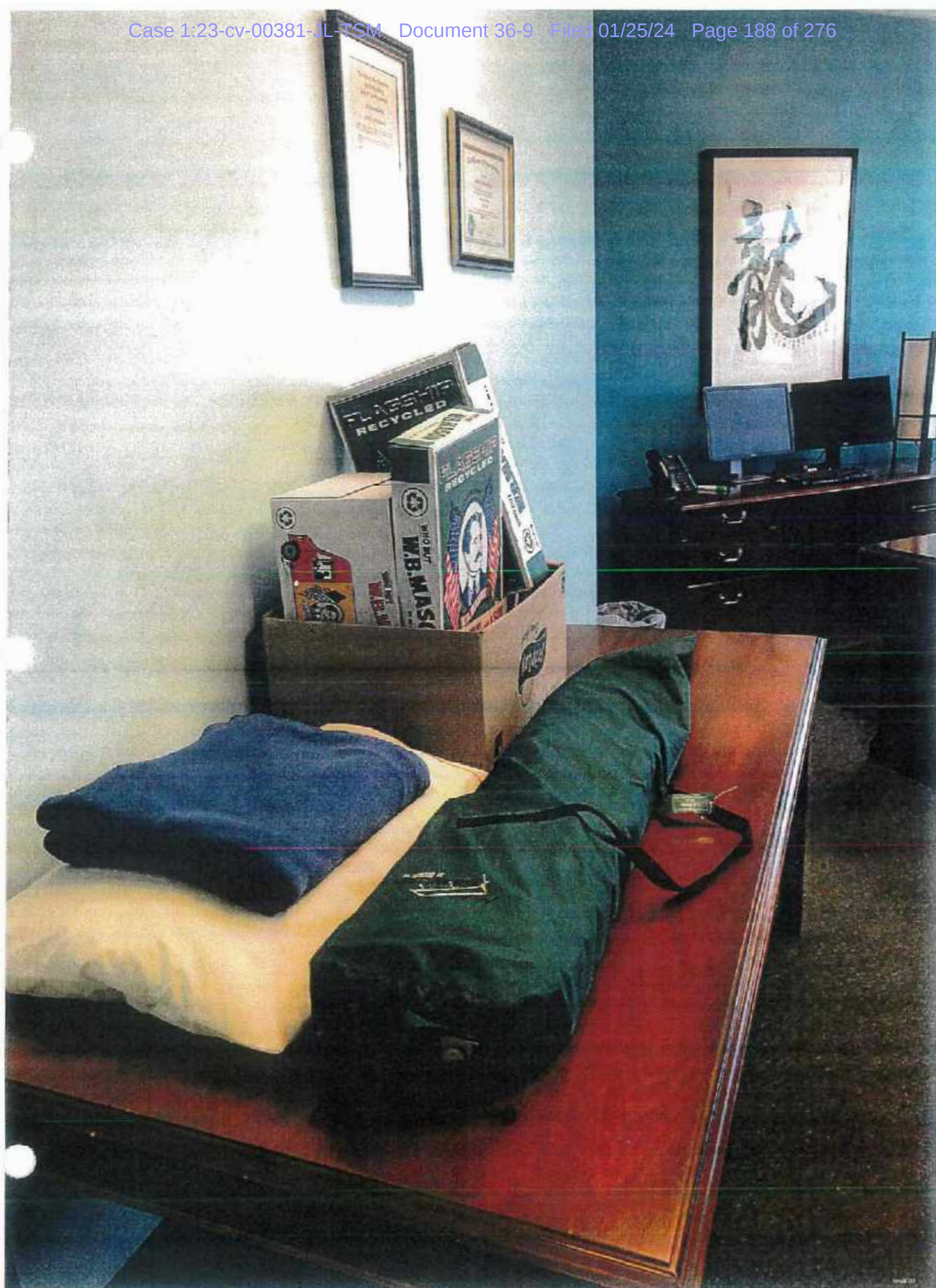
03/12/19 - NOD – Introcaso – GAL fees in cash, money order or bank check only

03/12/19 - NOD – Introcaso – GAL Motion to Exceed Fee Cap

03/15/19 – NOD and *Sua Sponte* Order by Judge Introcaso

09/12/19 - Robin Partello files JCC Complaint vs. Judge Introcaso





**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/OD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

1/10/20

NOTICE OF DECISION

FILE COPY



Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Enclosed please find a copy of the Court's Order dated March 12, 2019 relative to:

**Further Motion for Instruction Regarding GAL Supplemental
Retainer Payment by Robin Partello
"Legal fees/GAL fees to be paid in Cash, by Money Order or
Bank Check, ONLY".**

So Ordered

Introcaso, J.

March 12, 2019

Sherry L. Bisson
Clerk of Court

(579)

C: Robin Partello; Kathleen A. Stemenberg; Tracey G. Cote, ESQ

ORIGINAL

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT

9th CIRCUIT - FAMILY DIVISION - NASHUA

CASE NO: 659-2018-DM-00702

9th CIRCUIT COURT
JUDICIAL BRANCH
NASHUA

2019 MAR -1 A 11:12

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

FURTHER MOTION FOR INSTRUCTION REGARDING
GAL SUPPLEMENTAL RETAINER PAYMENT BY ROBIN PARTELLO

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue a further order to instruct Robin Partello to pay the GAL via check, money order or cash payment immediately and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED], [REDACTED], [REDACTED], DOB [REDACTED].
2. Although this court ordered that Robin Partello pay the Guardian ad Litem within seven days of its recent order, the Guardian ad Litem has not received the \$350 second retainer amount in a form acceptable to the GAL.
3. Robin Partello has apparently sent electronic funds to Apple Pay and insists that the GAL accept these funds.
4. The GAL does not accept Apple Pay and does not have Apple Pay connected to her client trust account.
5. The GAL has repeatedly informed Robin Partello that she does not accept electronic payments for retainers.
6. The GAL has informed Robin Partello that she needs to either send a check or money order or arrange a time to meet the GAL to give her cash.
7. Robin Partello has refused to do so.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Order Robin Partello to pay the GAL retainer in the amount of \$350 by cash, by check or by money order and to either mail the check or money order to the GAL's business address or to arrange to meet the GAL at the NH Bar Association offices with a cash payment; and
- B. Grant such other relief as may be fair and just.

ORIGINAL

35

Respectfully submitted,

Dated: February 28, 2019



Kathleen A. Sternenberg, Esq., NHB#5840

Law Office of Kathleen A. Sternenberg

P.O. Box 2288

Concord, NH 03302-2288

(603)641-1048 phone

(603)215-7570 fax

kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.



Kathleen A. Sternenberg

ORIGINAL

Introcaso 186

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
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<http://www.courts.state.nh.us>

NOTICE OF DECISION

FILE COPY



Case Name: **In the Matter of David Campbell and Robin Partello**
Case Number: **659-2018-DM-00702**

Enclosed please find a copy of the Court's Order dated March 12, 2019 relative to:

Motion to Exceed Fee Cap
"Motion granted over the Respondent's objection at #36".

Introcaso, J.

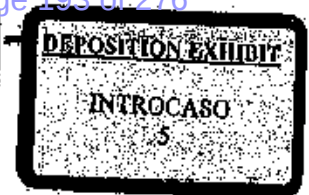
March 12, 2019

Sherry L. Bisson
Clerk of Court

(579)

C: Robin Partello; Kathleen A. Sternenberg; Tracey G. Cote, ESQ

ORIGINAL



**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT**

9th CIRCUIT - FAMILY DIVISION - NASHUA

**RECEIVED
CIRCUIT COURT
STATE OF NEW HAMPSHIRE
2019 MAR -1 A 11:12**

CASE NO: 659-2018-DM-00702

IN THE MATTER OF DAVID B. CAMPBELL AND ROBIN A. PARTELLO

MOTION TO EXCEED FEE CAP

NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court issue allow the Guardian ad Litem to exceed the fee cap by an additional \$1,000 and in support thereof states as follows:

1. On October 25, 2018, Kathleen A. Sternenberg, was appointed to act as Guardian ad Litem for [REDACTED] [REDACTED] [REDACTED], DOB [REDACTED].
2. This matter has involved allegations of inappropriate contact with the child and a police investigation and DCYF investigation.
3. The GAL has filed multiple pleadings, prepared for and attended hearings, and has received and replied to ongoing daily email exchanges, phone calls, arranged and attended in person meetings, home visits at both homes, had multiple contacts with the child's school, pediatricians, therapist; and has received police, DCYF and medical records and met with police and had contacts with DCYF.
4. The GAL has used the initial retainer and supplemental retainer¹ as of her billing this week.
5. The GAL anticipates that within a month, she will need to write and file a comprehensive report and to testify at the upcoming contested hearing.
6. The GAL has informed both parties of her intent to file this motion.
7. David Campbell has assented to this motion.
8. Robin Partello objects to this motion.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Allow the GAL's motion to exceed the fee cap in the amount of \$1,000 and order

¹The GAL has not received Robin Partello's portion of the supplemental retainer as of this writing.

ORIGINAL

the parties to pay the GAL the additional percentage of the retainer within fourteen days of this order; and

B. Grant such other relief as may be fair and just.

Respectfully submitted,

Dated: February 28, 2019

Kathleen A. Sternenberg
Kathleen A. Sternenberg, Esq., NHB#8840
Law Office of Kathleen A. Sternenberg
P.O. Box 2288
Concord, NH 03302-2288
(603)641-1048 phone
(603)215-7570 fax
kas@sternenberglaw.com

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this motion to Jeffrey Manganaro, Esq./Tracey Goyette Cote, Esq., counsel for David B. Campbell and to Robin A. Partello, pro se.

Kathleen A. Sternenberg
Kathleen A. Sternenberg

ORIGINAL



STATE OF NEW HAMPSHIRE

JUDICIAL CONDUCT COMMITTEE

JC-19-050-C and JC-20-010-C

In RE: Honorable Julie A. Introcaso

Volume I – Partello file #1 – 355

Original Court File

Kathleen A. Sternberg
Kathleen A. Sternberg

3/12/19

Legal fees / GAL fees
to be paid in cash,
by money order or
bank check, ONLY.
So Ordered.

Julia A. Introcaso
2

Julia A. Introcaso

Kathleen A. Sternberg
Kathleen A. Sternberg

Legal fees / GAL fees
to be paid in cash,
by money order or
bank check, ONLY.
So Ordered.

ORIGINAL



From: Hon. David D. King
Sent: Friday, April 27, 2018 12:47 PM
To: Hon. Julie Introcaso
Subject: RE: 2018 Evaluation



Hi Julie: I apologize for somehow missing this the first time around. Yes, we are all a little sensitive about judicial evaluations these days. The names that were sent to you by Kathy Yee are all pulled randomly from parties/counsel who have actually appeared in front of you at least twice in the last two years. That must mean, for example, that Attorney Sternenberg had an appearance in at least 2 of your cases to make the list. We also send the letter to the prosecutors and public defender offices, DCYF local offices, probation etc. for every court. I assume you also understand that anyone can go online and complete a survey, whether they receive a letter from us or not—put another way, even if we were to not send the evaluation letter to someone you have concerns about, they may well complete an evaluation anyway. For reasons that have recently come to light, we are looking closely at our procedures and will likely not allow/request judges to suggest additions/deletions from the list. As you know, one of the things that Paul Moore attempted to do was “stuff the ballot box” with people he knew would submit favorable responses. We have been criticized for even offering that opportunity.

Every judge, probably more in the family division, is apt to have one or more persons who will try and railroad the judge through the evaluation process. We can generally spot those evaluations easily through the comments and discount those responses. While I appreciate you raising these issues, I don't see anything out of the ordinary. Finally, I will say what I have said publically a few times lately, that NH is a very small state, Ed and I are pretty visible and accessible, and it is rare that we are surprised when we see the results of a judges' evaluation. If there is a problem with a judge, we generally don't have to wait the 3 years to read about it. We have not had negative feedback about you and don't have a concern that you will have an unfavorable evaluation.

Call me if you have further questions or issues. Have a great weekend.

David

From: Hon. Julie Introcaso
Sent: Friday, April 27, 2018 11:52 AM
To: Hon. David D. King
Subject: FW: 2018 Evaluation

Good Morning Judge King,

I apologize for taking your time up over this matter, but I hope you can understand my sensitivity around this topic given recent events and announcements regarding the evaluation process. The first time through, I didn't say or do much, but I suppose it was something of a mystery at the time.

As you can see in my earlier email below, I felt compelled to tell you that “a friend” of mine appear on the list of attorneys. A friend who, I have no doubt, would be honest in her evaluation -- nonetheless, I did what I believed I should and pointed that fact out.

Assuming an illegitimate evaluation, either positive or negative, would likely be minimized in the process of averaging. I recognized I was being unfair to myself for only reporting those names who I had reason to believe

might be seen as unfairly skewing their opinion on the positive side. I also think I should note the three names who appear on the list who may well pose a problem on the negative side, due to a current conflict of interest. I know you will do whatever, if anything, is necessary or appropriate.

Kalie Lydon, Esq. and Ed Richards, Esq. – law partners in Nashua who currently have filed a Judicial Conduct Complaint against me (on behalf of a client they represented in the underlying litigation) as well as a Supreme Court appeal based on my “unfair and biased treatment” of their client. I understand that a judge’s ethical issues is a most valuable subject for review, but at this time they appear to have a vested interest in promoting a narrative that suggests I’m unethical and unfair in a case that remains pending.

Attorney Meredith Gregory Gallant – I recently referred a case involving Attorney Gallant to the Hillsborough County attorney’s office as I believe she may have knowingly committed or allowed her staff member to commit a crime on her behalf. Needless to say, I suggest she may not be capable of assessing my actions fairly under her current circumstances.

Again, I appreciate your time, particularly allowing me the opportunity to be heard on this issue. I truly value this process, and hope I’m not making it more difficult than it need be.

All the best,
Julie Introcaso

From: Hon. Julie Introcaso
Sent: Friday, March 30, 2018 1:55 PM
To: Hon. David D. King
Cc: L.Cammett@courts.state.nh.us
Subject: 2018 Evaluation

Good afternoon,

Thanks for sending along the materials related to my judicial review. I did look at the sample survey last evening. I will complete the self-evaluation as quickly as possible; I’m in a more severe time crunch than usual right now. However, so as not to hold up your end of this effort, I want to make two comments:

1. I would appreciate feedback from Interpreters, Court Security Officers, Victim Advocates and the local prosecutors. Recently, I have been doing some limited work in the District Division (with the kind support of my colleagues who have allowed me to branch out beyond the marital docket at times). I’m reluctant to suggest names, you could always ask a clerk; but Alexandra Baer is our lead interpreter from the Language Bank. John Dube, is our OIC for the CSOs, and he could surely tell you who might be able to give you the most meaningful review of my work from the CSO perspective, and our local DV advocates are at Bridges, 33 E. Pearl Street, Nashua. (I don’t know their names and it’s my policy to simply acknowledge them as “an advocate”.) The Nashua prosecutor is Attorney Don Topham, for Hudson it would be Attorney Tessier, both of whom should be in our system or in the Bar Directory.

I understand “Court Staff” is a category listed on the survey, but most of these folks don’t easily fit into those areas, but they are really critical to how smoothly this rather busy operation runs.

2. I need to mention that one of the lawyers on the list you prepared, Kathleen Sternenberg, is one of four people on my “conflicts” list. That is, we have been friends and colleagues for many years. I have not heard any cases where she is counsel for a litigant. I have, however, after disclosures, appointed her as a GAL, only when the parties have specifically requested her services. On one occasion, I believe, I suggested her as a

possible GAL to counsel, recognizing her particular strengths and experience in dealing with children with disabilities - again with appropriate disclosures. I do not appoint her otherwise because of the financial complications. I suspect she is on your list because she has handled a number of cases before me as GAL only.

Obviously, I don't know if she will choose to fill out a survey or not. (Honestly, Kay is the epitome of the old adage "Sometimes our closest friends can be our harshest critics" - God bless, her. She's a tough nut.) I just thought I should give you my input on that point and inform you of the limited nature in which she appears in my cases. Do with it what you will.

I hope this email addresses your correspondence. Should you require a more formal response, just let me know.

Have a lovely Easter weekend.

JJ



From: Hon. Julie Introcaso <JIntrocaso@courts.state.nh.us>
Sent: Thursday, November 29, 2018 3:34 PM
To: Timothy C. Coughlin <TCoughlin@nhtrialattorneys.com>; Andrew J. Piela <ajp@hamker.com>
Cc: Kathleen Sternenberg <kas@Sternenberglaw.com>
Subject: GAL Appointment

Counsel,

After calling several GALs (most of whom don't pick up the phone, Attorney Sternenberg and I spoke briefly about the case basics, particularly the need to work expeditiously on the matter given the holidays and the short time between appointment and NCE.

I need to state that having practiced law in Manchester for about 12 years prior to working for the Court beginning in 2000, Attorney Sternenberg and I became good friends and cooperative colleagues in the marital bar. She has an excellent reputation as a GAL in Manchester and rarely comes to Nashua. As I sit in Nashua each day, I don't see her often, although I still consider her a friend.

One of the reasons for that is my deep respect for her work ethic and professionalism. I think she will do a great job, she will do it with diligence, and I hope to assure you that I have before, and likely will again, disagree and argue with her about a variety of matters.

I don't believe I would have any problem looking at her recommendation objectively and, perhaps deciding a case differently from any recommendation she might make, should this case go to trial.

If you have any concerns about the appointment, let me know in the next 27 minutes if possible. Otherwise, I will head out, certain that you will hear from her and move forward in the near future.

Judge I.

PS – Absent an objection, a hard copy of the order attached will go out in tomorrow's mail along with a Notice of Decision

Sherry Bisson

From: Robert Mittelholzer <rmittelholzer@nhjcc.com>
Sent: Friday, October 11, 2019 3:02 PM
To: Sherry Bisson
Cc: 'Diana Dowd-Werry'
Subject: RE: In the matter of David Campbell and Robin Partello, Case Number: 659-2018-DM-00702



Clerk Bisson:

Good afternoon.

The Judicial Conduct Committee has received a report relative to a matter purportedly heard before Judge Introcaso in the 9th Circuit Court – Hillsborough County – Family Division – Nashua entitled, In the Matter of David Campbell and Robin Partello, Case Number: 659-2018-DM-00702. The Committee has requested that I obtain a copy of the Odyssey Case Summary for this matter as well as a copy of the sound recording of a status hearing conducted before Judge Introcaso on or about March 19, 2019 and Judge Introcaso's Order following this hearing regarding her recusal together with all pleadings and orders referencing Judge Introcaso's recusal, the appointment of the Guardian ad Litem and any and all orders of Marital Master DalPra and Judge Derby in the underlying action relative to the Guardian ad Litem.

If at all possible, I would like to receive a copy of the case summary, orders and pleadings and the sound recording of this hearing on or before Tuesday, October 22, 2019 so that this material may be reviewed and disseminated prior to the Committee's next scheduled meeting.

As always, I would ask that you please send me the Odyssey Case Summary, orders and pleadings and the sound recording of this hearing by way of email attachment(s) if at all possible as this makes dissemination much easier on this end. If this is not possible, or otherwise proves to be an onerous request, and you choose to send these materials by regular mail, please do not staple any pages together and please be certain to record the hearing(s) in a non-encrypted format (such as on Windows Media Player WMA) so that the sound recording(s) may be copied and shared with Committee members on our file sharing software. (Please do not record using *The Record Player*.)

Thanks, as always, for your cooperation in this matter and please let me know if you require a letterhead request sent through the mail. If so, I will be happy to oblige.

RTM

Introcaso 508

PLAINTIFF'S
EXHIBIT

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EXHIBIT 11

Judge T.
2/8/2021

Sherry Bisson

From: Hon. Julie Introcaso
 Sent: Monday, January 06, 2020 11:50 AM
 To: Sherry Bisson
 Subject: RE: Writing Day

I appreciate that. That'll be a big help.

J

From: Sherry Bisson
 Sent: Monday, January 06, 2020 10:41 AM
 To: Hon. Julie Introcaso
 Subject: RE: Writing Day

I spoke with Judge Ashley this morning and for some reason we didn't schedule a docket for you this Thursday or Friday, you will have both days to write.

From: Hon. Julie Introcaso
 Sent: Monday, January 06, 2020 8:49 AM
 To: Sherry Bisson
 Subject: Writing Day

I spoke to Judge Ashley on Friday afternoon. She said she would try to find me some writing time this month if I needed it. I am almost caught up on the OLD stuff, but I also have some recent matters and a JCC complaint to address before the 15th.

Since I don't seem to have anything scheduled for the 10th (?) could you enter that as my writing day for this month?

Jl

CONFIDENTIAL

Introcaso 437

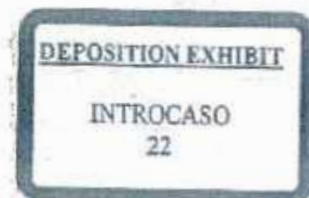
Sherry Bisson

From: Hon. Julie Introcaso
Sent: Thursday, January 09, 2020 10:12 AM
To: Nancy Dabillis; Kimberly Silva; Aline Chasseur; Emily Redwood; Kimberly Nunez; Julianne Lodes
Cc: Master Bruce F. Dalpra; Hon. Mark S. Derby; Hon. Patricia Quigley; Kimberly Bonenfant; Sherry Bisson
Subject: David Campbell and David Partello - Divorce Case
Importance: High

Good Morning folks,

I know some you may recognize this case, it is unresolved and consists of two jackets of pleadings. I also learned that Ms. Partello has come to the counter at times for various reasons. If you have had any contact with this file, could you please contact me TODAY at ext. 0930. I have a few questions about the file.

Thanks.



New Hampshire Judicial Conduct Committee
 c/o Robert T. Mittelholzer, Esq.
 Executive Secretary
 132 Chapel Street
 Portsmouth, NH 03801

January 9, 2020

RE: JC-19-050-C



To the Honorable Committee:

As an introductory matter, I would first like to state that I don't consider myself as ever having "presided over" this case as Ms. Partello suggests on her Cover Sheet. I am not a Supervisory Justice and do not have any authority to assign cases. Few cases are ever actually "assigned" to any particular judge, and when they are – the judge is informed of such. I have also never conducted a hearing involving the opposing parties in this case. She has acted as counsel on a number of cases in which I was involved; less than 10, and in most of those matters I signed agreements without any hearing. I believe my last involvement with a case where she appeared as counsel was in 2013.

I recently had an opportunity to review the file and the record in this case upon my return from medical leave on December 16th, 2019, and I appreciate the time this Committee has given me to do so.

In reviewing what I have been given, it is obvious I issued **two rulings** on a motion from the general "signing pile" in the Clerk's office, dated March 12, 2019. I will discuss those in detail below.

Notices of Decision were issued by the Clerk's office that day. (Clerk ID: 579)¹ Clerk ID: 597 is the number assigned to clerk Julianne Lodes, the same clerk who brought me this file to physically review on or after January 2, 2019. I looked through each page of the file on January 9, 2020, my first opportunity to address this matter.

In reviewing the specific orders at #34 (Motion to Exceed Fees – See Exh. A) and #35 (Motion for Instruction See Exh. B)), I noticed that the orders that I had handwritten have been whited out – gone. You can read my orders underneath the white out, and there is a Notice of Decision on both of my orders. Those original orders, along with the Notices of Decision, which repeat the language of my orders, have been forwarded to this Committee and, on a temporary basis, the Clerk has placed the duplicates in the file until such time as the Committee has reviewed the originals. This tampering with original court documents only came to my attention January 9, 2020. Why anything of this nature occurred is unknown to me as it has no effect – given the presence of the Notices of Decision; it only

¹ Every clerk who processes orders or Notices of Hearing through our Odyssey Case Management System is assigned an ID so that the clerk can track which member of the staff processed and documents that goes into the system or is printed for distribution for the parties and counsel.

makes it appear as though I may have done so in an attempt to avoid responsibility for these orders. I did no such thing. **THIS IS EXTREMELY TROUBLING.**

I went on leave as of October 7, 2019, returning to the Court once with my sister on Saturday, October 12, 2019. I did not enter the Clerk's office, but only retrieved some personal belongings from my office knowing I would be on extended leave until December 16, 2019. I never again entered the courthouse until my return.

I received Ms. Partello's complaint *via* Judge King whose office received the complaint and knew of my leave. He forwarded it to me at home November 19, 2019. (See Exh. C) I had no indication that such a complaint was forthcoming.

On January 9, 2020, I issued an email to anyone who may have been involved in processing orders or conducting hearings in this case in an attempt to determine who may have whited out my orders. (See Exh. A) I did not mention the issue I was to ask about so as not to deter someone from replying to my email. The staff has also reviewed the rather imperfect sign-out sheets to see who may have taken the file into their possession after the March 12, 2019, orders issued.

Ms. Partello received copies of my orders on March 12, 2019, which clearly show the orders I issued, both in my hand on the original document and on the Notices of Decision.

On March 15, 2019, I was again presented with a Motion to Continue a Status Conference Hearing. **IT WAS AT THAT TIME THAT I ISSUED A HANDWRITTEN ORDER RECUSING MYSELF FROM THE CASE.** A Notice of this Decision was also issued to the parties and counsel with respect to this handwritten order. (Clerk ID:659304)

Within that order I indicated that "

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The Notices of Decision were issued on The signing pile most often includes administrative or procedural matters that require any Judge's review and signature. Some are motions without objections, some are agreements, some are requests for waivers of court fees, many of them are orders issued by the Master or referees, etc.

With respect to this case, I see that I approved the appointment of the GAL in this case, a recommendation made wholly by Master Bruce DalPra without consultation with me, a recommendation to deny a Motion to Reconsider and a recommendation to deny a Motion to Strike (February 21, 2019 – three orders).

I do not know the facts of this case, I have held no hearings in this case, and again, the issues I became aware of as a result of those motions were limited in scope to the point I never hesitated to co-sign without a review of the entire file.

IN DIRECT ANSWER TO THE ALLEGATIONS:

1. – 6. I have no knowledge of the facts of this case.

7. As stated above, Master DalPra appointed a GAL in this matter. He chose the GAL without any consultation with me, and it would be unusual for him to do so. He is more experienced than I, and has a past history which allows him to select a Guardian ad litem whom he believes would be appropriate for any particular case. I co-signed the fourth page of the Order on Appointment of Guardian ad litem, recognizing the content of page four, and likely without every looking to see who he had appointed. My "judicial signing" is nearly always prepared by the staff after their review, of the in my capacity as a judge certifying that I believe

8. Again, my Order with respect to this allegation was an approval of the recommendation of Master DalPra of whom I am confident has the expertise to make such orders and to do so only when they are appropriate and necessary. I have no idea if his order was the result of an agreement to select a GAL, a contested matter, etc.

9. I did, indeed, go on to co-sign a few of Master DalPra's orders as a matter of routine signing. However, I deny I ever ordered (or granted) a motion to exceed. I likely co-signed a recommendation of the Master who was handling the case; I trust his judgment in those matters.

With respect to the March 12, 2019, order on pleading #34, the Court received this motion in the routine signing pile and the volume of the case itself indicated it was likely a contested matter. A GAL had been appointed and the parties were already arguing over her fees and there was an allegation by the GAL of non-payment of part of the retainer (and #35 was available for my review, making it clear

that this was most certainly a highly-contested case going forward). Based upon my past experience, and understanding that a modest retainer of \$1000. was likely insufficient, I granted the motion knowing that the payment of GAL fees and the reapportionment of those fees could be reviewed and revised by the trial judge at any time. I agree that my ruling on #34 could appear to be an attempt on my part to enrich Attorney Sternenberg, but it was an impartial assessment, affecting each party equally. > I NEED TO READ THE ORDER I WROTE.

With respect to the March 12, 2019, order on Pleading #35, (handwritten by the undersigned judge), I ordered, in response to a motion from Attorney Sternenberg regarding payment of her retainer, that payment of the GAL fees must be made in the form of cash, bank check or money order. I noticed the motion was from Attorney Sternenberg, but I honestly found no reason to withhold issuing the order that I did as it was not about Attorney Sternenberg, Ms. Partello, or any other individual. No one stood to be enriched or advantaged by my ruling. It was intended as a general statement of this Court consistent with every other order I issue with regard to payments.

Frankly, I don't use or understand Applepay. I have never heard of a party or an attorney satisfying a legal obligation with Applepay, but that was not my motivation either. I found Ms. Partello's position, as set forth in Attorney Sternenberg's motion, to be untenable. I could not conceive of ordering any party to accept payment in a form they cannot negotiate or don't know how to negotiate. I have no idea if Attorney Sternenberg uses Apple products, if Applepay costs money or fees to the sender or recipient, etc. I just made a simple order to pay in a generally acceptable form of currency.

10. The allegations with respect to a March 15, 2019, order will require a supplemental answer on my part. This order is not included in the complaint (despite the language in para. 10 stating "See Order attached.") which I received; however, I do not doubt that when the issue of the appropriate amount of fees Attorney Sternenberg could charge in the case became an issue, I almost certainly would have written something in the file to indicate I should no longer make any rulings in this case. I never appoint Attorney Sternenberg to my cases without a full disclosure, on the record. I don't know what hearing is being referred to, and I don't generally request that the clerk schedule hearings in cases other than my own. I will attempt to clarify this point upon my return, anticipated to be December 16, 2019.

11. Not only would I have had no opportunity to "disclose" the fact that I have had a personal relationship with Attorney Sternenberg, but the first time I appear to have touched the file was in cosigning an order of February 21, 2019. The case was opened sometime in the fall of 2018. To state I waited six months to disclose is patently false as I had no involvement in the case prior to February 2019 when I co-signed Master DalPra's order that stated "...Failure to do so may result in sanctions...." Those are not my words and that was not my decision, substantive or otherwise.

12. Denied.

13. Denied. I have no such authority. Master DalPra was reassigned to sit in Derry District Court for most of 2019. Judge Derby picked up most of the cases he was handling in Nashua. No judge or clerk ever consulted with me about the "assignment" of this case.

14. I have no knowledge of this fact.

15. I made a one-time, rather paltry, donation to Gov. Shaheen's first senatorial campaign while attending a house party given for her support. I don't know if that was in 2002 or 2004, but it was many years before I became a judge or judicial candidate. I do not recuse myself from Shaheen and Gordon cases as I do not consider that donation as having created a conflict of interest.

16. I have no knowledge as to the facts of this case.

17. I have no knowledge of the facts of this case.

18. Argumentative; I can't confirm or deny the facts asserted.

19. I am familiar with Dr. Doug Johnson's work and I have employed him for specific purposes in my own family law cases. Needless to say, the fact that his last name is Johnson is a ridiculous stretch of the imagination; I have no knowledge of any close relation with Dr. Johnson. Yes, my maiden name is Johnson. Kay Sternenberg's husband's last name is also Johnson. I have no knowledge of any familial relationship with him, either. He's an architect. I have no reason to believe Attorney Sternenberg's husband, David Johnson, knows Dr. Douglas Johnson either. Johnson is a common surname (citations omitted.)

As stated, I have been on leave since October 7, 2019. I thank Judge David King for sending this along so that I could meet the committee's deadline. Upon my return to work on December 16, 2019, I will get a hold of the file any try to provide a more enlighteneing answer to the allegations made about "scheduling a status hearing" and what that entailed.

For now, I submit that I have committed no violations of the Judicial Code of Conduct despite Ms. Partello's beliefs.

RESPECTFULLY, I ask this Committee to accept this partial Answer for the purposes of Supreme Court Rule 40(7). Also, I ask for an extension to December 30 to investigate the remaining matter cited in allegation #10.



STATE OF NEW HAMPSHIRE
JUDICIAL CONDUCT COMMITTEE

JC-19-050-C and JC-20-010-C

In RE: Honorable Julie A. Introcaso

STATEMENT OF FORMAL CHARGES PURSUANT TO
NEW HAMPSHIRE SUPREME COURT RULE 40 (9)

The New Hampshire Supreme Court Committee on Judicial Conduct (the "Committee"), by its Committee Counsel, complains against Judge Julie A. Introcaso as follows:

Introduction:

1. The Committee is the duly authorized Committee on Judicial Conduct established by the New Hampshire Supreme Court pursuant to the Court's constitutional and statutory authority to provide for the orderly and efficient administration of the Code of Judicial Conduct (Rule 38 of the Rules of the New Hampshire Supreme Court.) See Rule 39.
2. The Committee is proceeding against Judge Introcaso pursuant to Rule 40 (7) (a) & (b), and this Statement of Formal Charges is issued pursuant to Rule 40 (9).
3. These formal charges are brought on the basis of two complaints.
 - a. The first, (JC-19-050-C), arises out of a report filed by an individual named Robin Partello, who is a respondent in a parenting petition filed by David Campbell in the 9th Circuit Court, Hillsborough County – Family Division – Nashua, bearing docket number 659-2818-DM-0072 (hereinafter, the "Partello Report"). The Committee elevated the Partello Report to the level of a complaint on or about November 8, 2019.
 - b. The second, (JC-20-010-C), is a Committee generated complaint based on the apparent alteration of the Court file. This Committee initiated inquiry was docketed as a complaint on or about April 6, 2020.
4. Judge Introcaso is a sitting Justice of the 9th Circuit Court, and a member of the New Hampshire Bar.

Background and Facts Relating to the so-called Partello Complaint (JC-19-050-C)

5. In Judge Introcaso's answer to complaint JC-19-050-C dated January 9, 2020, she states that Attorney Sternenberg is on her recusal list.

6. In the parenting petition mentioned above, David Campbell v. Robin Partello, Docket Number: 659-2818-DM-0072 (hereinafter "Parenting Petition"), Marital Master Bruce DalPra recommended the appointment of Attorney Sternenberg as the Guardian Ad Litem (GAL).
 - a. On October 24, 2018, Judge Introcaso signed the Master's recommendation, entering an order approving the appointment of Attorney Sternenberg as the GAL in the Parenting Petition.
 - b. In her answer to complaint JC-19-050-C dated January 9, 2020, Judge Introcaso states that she approved the Master's recommendation, likely without reading the order itself before signing. She states she "likely did so without ever looking to see who he had appointed on page one."
7. On the same day, October 24, 2018, Master DalPra drafted a two-page Interim Order, in which the Master summarized pertinent facts of the case, set forth an interim parenting-time schedule, appointed Attorney Sternenberg as a GAL, and appointed James Foster as a counselor.
 - a. On October 24, 2018, Judge Introcaso signed the Master's Interim Order.
 - b. In her answer dated January 9, 2020, Judge Introcaso states that she likely signed this order without first reading it. She states "I acknowledge, in retrospect, that I should have read both #11 and #12 in greater detail, and then I could have taken steps to assure that I would not be involved in more issues that arose in this matter. . . [T]here simply isn't enough time [to] read every order coming out of Nashua Family Division in detail. . . . Basic orders recommended by Master DalPra or Referee Thorn, . . . were usually signed without the most diligent review."
8. On February 15, 2019, Master DalPra recommended denying a motion to reconsider that was filed by Ms. Partello. This motion asked the court to reconsider a change to an amended parenting schedule. On February 15, 2019, Judge Introcaso signed this order, approving the Master's recommendation to deny the motion to reconsider. The motion, and the order, did not reference GAL Sternenberg.
9. On February 7, 2019, GAL Sternenberg filed a Motion for Instruction, alleging that Ms. Partello was not cooperating with the GAL. This motion asked the court to order Ms. Partello to cooperate in scheduling a home visit.
 - a. On February 15, 2019, Master DalPra recommended granting the motion, ordering Ms. Partello to cooperate with the GAL. In so doing, Master DalPra handwrote that "failure to do so may result in sanctions . . ."
 - b. On the same day, Judge Introcaso approved and signed this order. In her answer to JC-19-050-C, the Judge states "there was no doubt I was aware of Attorney Sternenberg's role in this case at that time." Therefore, she admits to knowingly signing an order relating to an attorney who was on her recusal list.

- c. In her answer to complaint JC-19-050-C, Judge Introcaso also explains that, at the time, she felt this was permissible because "this was not a 'substantive order' in the case, and did not resolve any specific legal issue in the case itself."
10. On February 28, 2019, the GAL filed a motion asking the Court for instruction regarding the method of payment from respondent Ms. Partello. Essentially, Ms. Partello had insisted on paying the GAL's retainer using Apple Pay, but the GAL refused to accept Apple Pay. In this motion the GAL asked the court to "Order Robin Partello to pay the GAL retainer in the amount of \$350 by cash, by check or by money order." Ms. Partello objected to this motion (hereinafter "Apple Pay Motion").
11. Also, on February 28, 2019, the GAL filed a second motion asking the Court to allow the GAL to exceed the fee cap. Ms. Partello also objected to this motion (hereinafter "Fee Cap Motion").
12. On March 12, 2019, Judge Introcaso issued an Order on the Apple Pay Motion (hereinafter "Apple Pay Order").
 - a. She handwrote on the GAL's motion "Legal fees/GAL fees to be paid in Cash, by Money Order or Bank Check, ONLY."
 - b. On the same day, the Court sent a photo-copy of this handwritten order, and a Notice of Decision (which also included a type-written quote including the full text of the Judge's hand-written decision) to the parties. The clerk that processed this order is Julianne Lodes.
13. Also, on March 12, 2019, Judge Introcaso issued an Order on the Fee Cap Motion (hereinafter "Fee Cap Order").
 - a. She again handwrote on the GAL's pleading "Motion granted over the Respondent's objection at #36."
 - b. On the same day, the Court sent a photo-copy of this handwritten order, and a Notice of Decision (which also included a type-written quote including the full text of the Judge's hand-written decision) to the parties. The clerk that processed this order is Julianne Lodes.
14. Shortly after Judge Introcaso issued the above-listed orders, she then asked court staff to schedule a status conference with the parties. The Court scheduled a status conference for March 19, 2019.
15. The petitioner, David Campbell, filed a motion to continue the status conference, and in his motion, he asked for clarification regarding the purpose of said conference.
16. On March 15, 2019 Judge Introcaso issued an Order granting the petitioner's motion to continue and the March 19, 2019 status conference was canceled.

17. On March 15, 2019, Judge Introcaso issued a three-page hand-written Order, in which she, among other things, recused herself from this case (hereinafter "Recusal Order"). Specifically, in this order, the Judge:

- a. Explained that after the Marital Master originally assigned to this case was reassigned to another court, "numerous substantive motions [in this Parenting Petition] were presented to this judge for review. In doing so, this judge has determined that she is unable to address these motions, particularly as some relate directly to the payment and performance of the GAL."
- b. Explained in great detail the nature of her conflict of interest, which, in summary, is that the Judge and the GAL have a long-standing close friendship.
- c. Stated that "The Court does not believe this conflict, under the circumstances as stated above, is one which can be waived."
- d. Concluded that "the wisest course for this judge, and in an attempt to provide the parties with the most unbiased and fair hearing, is to simply withdraw as the presiding justice in this matter with regret as to the delay this may cause to the parties."
- e. Ordered (1) Judge Introcaso shall have no further involvement in this matter; (2) the Clerk shall reassign this matter, resolve the pending motions, and schedule this matter for any further hearing; and (3) no status conference will occur on March 19, 2019.

18. On September 12, 2019, Ms. Partello filed a report against Judge Introcaso with the Judicial Conduct Committee alleging judicial misconduct. This report, among other things, focuses on Judge Introcaso's conflict of interest with the GAL, and that, despite this conflict, Judge Introcaso ruled on several motions filed by, or relating to, the GAL.

Judge Introcaso's Response to the so-called Partello Complaint (JC-19-050-C)

19. The Partello Complaint alleges, in pertinent part, that Judge Introcaso ruled on several motions filed by, or relating to, the GAL, who was on her recusal list.
20. In her response, Judge Introcaso admits to ruling on these motions with the knowledge of this GAL's involvement.
21. In the beginning, Judge Introcaso maintains that she did not know of the GAL's involvement, because she sometimes did not read the orders that she was co-signing for Master DalPra.
22. Later, when she was aware of the GAL's involvement, Judge Introcaso explains that she believed her actions were permissible because she was issuing (what she believed were) non-substantive orders that did not resolve any specific legal issues in the case itself. This statement is inconsistent with her March 15, 2019 order which specifically described

the orders as "substantive . . . particularly as some relate directly to the payment and performance of the GAL."

23. Ultimately, Judge Introcaso admits that she should not have ruled on the above-listed motions. She wrote: "I acknowledge [that] my order of March 15, 2019 [recusing myself from this case] should have been issued back in October 2018; it simply wasn't. . . . I cannot deny that, in retrospect, my rulings and signatures may have created an impression with Ms. Partello that some impropriety on my behalf occurred."

Facts Relating to the Second Complaint- JC-20-010-C (Committee Generated Complaint)

24. On or around October 7, 2019, Judge Introcaso took leave from her judicial duties.
25. As mentioned above, on November 8, 2019, the Committee elevated Ms. Partello's report to the level of a complaint (JC-19-050-C) (the so-called "Partello Complaint"). Judge Introcaso's answer was due on or before December 12, 2019, pursuant to the Committee's Executive Secretary's letter to Judge Introcaso dated November 12, 2019.
26. On or around December 12, 2019, while still on leave, Judge Introcaso emailed a partial answer to the Partello Complaint to the Committee, and essentially requested an extension. An extension was granted to January 16, 2020.
27. Judge Introcaso returned to work on December 16, 2019.
28. January 2, 2020, at Judge Introcaso's request, her courtroom clerk Julianne Lodes brought Volume one (1) of this two-part Parenting Petition case file to Judge Introcaso's office. This file contained the original versions of the above-referenced Orders and Motions.
29. Clerk Sherry Bisson testified, in her examination under oath (EUO), that on January 6, 2020, she met with Judge Introcaso in her chambers to discuss her writing days. Clerk Bisson testified that during this meeting, Judge Introcaso stated that "she had the Judicial Conduct Complaint response that she needed to write [Judge Introcaso] proceeded to open the Partello case file [to] the Apple Pay order and pointed - talked to me about that order."
30. Clerk Bisson testified that she has a clear recollection of seeing Judge Introcaso's original hand writing on this Apple Pay order on January 6, 2020.
- a. Specifically, Clerk Bisson states that the Judge "opened the file to the Apple Pay order and explained to me why she didn't agree that it was an issue, that it wasn't considered a substantive order, and she opened to, on the exhibit to the writing part of the order, she took her finger and read across the lines in front of me and said that she could write that order [because it was not substantive]."
 - b. Clerk Bisson further states "She pointed to that in my presence. Not only pointed to it but she took her finger and read the order as her finger was moving across the text."

Redacted

Redacted

TO
JCC
complaint?

31. Contrary to Clerk Bisson's July 22, 2020 EVO testimony described above, Judge Introcaso's January 9, 2020 answer states that she had not opened the file before January 9, 2020.

32. According to Judge Introcaso, the following events occurred on January 9, 2020:

- a. When reviewing the court's file to answer the Partello Complaint, Judge Introcaso discovered that the handwritten portion of her Apple Pay and Fee Cap Orders had been completely obscured with white-out correction tape (hereinafter "Whited-Out Orders").
- b. Judge Introcaso then explains that "I immediately considered who could have obscured the Whited-Out Orders and for what purpose, and I made several inquiries to determine what had happened." This included:
 - i. Questioning two members of the court staff, Julianne Lodes and Nancy Dablis, if they had altered these orders;
 - ii. Emailing judicial officers and other clerks asking them if they had any contact with the file (without disclosing that the file had been altered); and
 - iii. Reviewing the "sign out sheets" to determine if Ms. Partello or any other individual had physical access to the file. (The sign out sheets did not record any member of the public having contact with the file.)
- c. Judge Introcaso states that she then decided to provide the original whited-out copies as exhibits with her Answer to the Partello complaint. Judge Introcaso then removed the originals from the file and replaced whited-out orders with substitute photocopies. In her answer, Judge Introcaso explains:
 - i. "I asked my Courtroom Clerk Julianne Lodes to make photocopies of my initial, unobscured March 12th Orders to serve as temporary substitute Orders to be placed in the file. . . . I asked Ms. Lodes to label the replacement photocopies in the file as a "Copy." I also asked her to make a simple notation at the bottom/footer of the documents indicating that the originals had been submitted to the JCC,"
 - ii. "[U]pon further reflection I changed my mind, and I eventually elected to leave the original White-Out Orders in the case record."
 - iii. "After returning the White-Out Orders to the case file, the hand-written entries that we had inserted previously in the bottom margin/footer – indicating that the originals had been submitted to the Committee – were no longer accurate. So, I crossed out those hand-written entries in pen, and I wrote and initialed 'Stricken' above the stricken entries to designate them as such."

33. Julianne Lodes testified to the following facts in her EUO:

- a. On January 2, 2020, Ms. Lodes handed Judge Introcaso the Partello file at Judge Introcaso's request so that Judge Introcaso could respond to a JCC complaint.
- b. To Ms. Lodes' knowledge the Partello file remained in Judge Introcaso's chambers between January 2 and 9, 2020.
- c. On January 9, 2020, Julianne Lodes met with Judge Introcaso in Judge Introcaso's chambers. At that time, Judge Introcaso showed Ms. Lodes "an order where everything was whited out, okay, with whiteout. And she said to me, did you do this to protect me?" Ms. Lodes responded "no, I didn't do that to protect you, I wouldn't do that."
- d. During their chambers' conversation on January 9, 2020, after denying whitening out the March 12th Orders, Ms. Lodes asked the judge if it was possible that Robin Partello whited out the Orders. Then Ms. Lodes reviewed the "sign-out" sheets that litigants or members of the public must sign to gain physical access to the Court files. It did not appear that Ms. Partello ever looked at the Court file or had it in her possession.
- e. Also, on January 9th, 2020, Judge Introcaso asked Ms. Lodes to make copies of the March 12th, 2019 Orders and then to stamp the original Order and the copy. Judge Introcaso, while in the process of answering the JCC complaint was typing, with her back to Ms. Lodes, and stated that she was typing an affidavit for Ms. Lodes to sign, including the information about when Ms. Lodes brought the file to her.
- f. Ms. Lodes thought to herself that she was not going to sign any affidavit and stated, "But at one point, after doing these copies and writing original and sign your name and putting my initials, I'm thinking, something is not right here. I just got up and left."
- g. But before leaving chambers, Ms. Lodes responded to Judge Introcaso's concern about the whited-out March 12th, 2019 Orders and stated to her "... I don't think that you have to worry about this because everything is on my Notice of Decision. It's all spelled out. So it's there."

34. On January 9, 2020, the same day that Judge Introcaso claims she discovered the whited-out orders and took the above-described steps, she completed drafting her answer to the Partello Complaint and sent it to the Committee. This answer is summarized above, where the Judge acknowledges ruling on motions in a case that she should have recused herself in, due to her conflict with the GAL.

35. On January 14, 2020, two members of the court staff, Julianne Lodes and Nancy Dabilis, met with Judge Leary to report that, during the prior week on January 9, 2020, Judge Introcaso had asked them if they had whited out her two March 12, 2019 orders. Ms. Lodes and Ms. Dabilis then met with Clerk Sherry Bisson, to report the same.
36. When Ms. Lodes and Ms. Dabilis told Clerk Bisson that the handwritten portion of the Apple Pay order was obscured by white-out tape, Clerk Bisson remembered seeing the un-altered Apple Pay Order eight days before, when the judge was showing it to her in her chambers on January 6, 2020.
37. Clerk Bisson believes the order was obscured between January 6, 2020 and January 9, 2020, during the time that the file was in Judge Introcaso's chambers.
38. The above-listed facts were reported to the Judicial Conduct Committee, which forms the basis of the second complaint, (JC-20-010-C), which is a Committee Generated Complaint.

Judge Introcaso's Response to the Committee Generated Complaint

39. Judge Introcaso denies whiting-out her March 12, 2019 Apple Pay and Fee Cap Orders.
 - a. As mentioned above, Judge Introcaso's January 9, 2020 answer to complaint JC-19-050-C states that she had not opened the file before January 9, 2020.
 - b. She admits altering the orders by stamping/initialing them, but she denies altering the orders by whiting-out her handwriting.
 - c. She further notes that while she was reviewing the case record, she also had "unaltered versions of the March 12 Orders [with her] because copies of the unaltered March 12 Orders were included as attachments to Ms. Partello's Judicial Conduct Complaint."
 - i. The fact that Judge Introcaso had copies of the unaltered versions of the March 12 Orders with her during the time in question (between January 6 and January 9, 2020) is consistent with her December 12, 2019 email to the JCC. In that email she stated "[i]n reviewing what I have been given [referenced above as the Partello Report and attachments], it is obvious I issued two orders on motions from the general 'signing pile' in the Clerk's office, dated March 2019."
40. Judge Introcaso admits her actions on January 9, 2020, including asking court staff members if they whited-out court orders, caused serious anxiety.
 - a. In her answer, she wrote: "I now appreciate that my handling of this case record on January 9, 2020 created serious concern and anxiety with clerks and employees."

41. Judge Introcaso admits to altering files by stamping and initialing them, and further to directing her courtroom clerk to assist her with these alterations.
- a. "I asked my Courtroom Clerk Julianne Lodes to make photocopies of my initial, unobscured March 12th Orders to serve as temporary substitute Orders to be placed in the file."
 - b. "I asked Ms. Lodes to label the replacement photocopies in the file as a 'Copy.' I also asked her to make a simple notation at the bottom/footer of the documents indicating that the originals had been submitted to the JCC."
 - c. After changing her mind about submitting the originals to the JCC, the notations "indicating that the originals had been submitted to the JCC - were no longer accurate. So, I crossed out those hand-written entries in pen, and I wrote and initialed "Stricken" above the stricken entries to designate them as such."
42. Judge Introcaso admits her actions in initiating/stamping original orders in a court file raised several concerns.
- a. "I acknowledge that my responses resulted in the creation of confusing hand-written notations being logged into and subsequently stricken from this case record."
 - b. "To the extent that my handling of this unusual situation . . . has made this Committee's work and the Judicial Branch's investigation of this situation more difficult, I am deeply remorseful and apologetic for my actions."
43. Judge Introcaso contends that she discovered that court files had been altered on January 9, 2020, yet never reported the alterations to her supervisors or the Court Clerk.
- a. "In retrospect, I wish I had consulted with my superior judge or Clerk of Court immediately."
 - b. Judge Introcaso claims she discovered the white-out alterations on January 9, 2020. Ms. Lodes and Ms. Dabilis reported this to Judge Leary on January 14, 2020, which is six days later. Judge Introcaso had not reported the alterations to any supervisors during this time.
44. The facts set forth above establish compelling circumstantial evidence that Judge Introcaso whited out the Apple Pay Order and Fee Cap Order some time between January 6 and January 9, 2020. At the time she knew that there was an ongoing investigation by the Committee with respect to her rulings on this order. This alleged alteration of the order could constitute a felony of Falsifying Physical Evidence in violation of RSA 641:6. It is possible that Judge Introcaso may have whited out the Apple Pay Order and Fee Cap Order at some other time, possibly as early as March 15, 2019. In such case the alleged alteration could constitute the misdemeanor of Tampering with Public Records or Information in violation of RSA 641:6 (I) or (II). In summary the following facts support this conclusion:

- a. The evidence demonstrates that Julianne Lodes brought Volume 1 of the Partello file to Judge Introcaso's chambers on January 2, 2020, at Judge Introcaso's request so that Judge Introcaso could respond to Partello complaint.
- b. On January 6, 2020, Judge Introcaso discussed the Apple Pay Order with Clerk Bisson and actually showed Clerk Bisson Judge Introcaso's own handwritten margin order in the Partello file.
- c. There is no evidence that Volume 1 of the Partello file left Judge Introcaso's chambers between January 6 and January 9, 2020, or that anyone other than Judge Introcaso accessed that file.
- d. On January 9, 2020, Judge Introcaso showed Julianne Lodes the Apple Pay Order that had been whited out.
- e. There is no evidence that anyone other than Judge Introcaso had whited out the Apple Pay Order or Fee Cap Order.
- f. Judge Introcaso confronted Julianne Lodes about whether Ms. Lodes had whited out the Apple Pay Order to protect Judge Introcaso.
- g. Julianne Lodes denies applying any white out to any orders.
- h. This evidence strongly supports one of the following conclusions: (1) either Judge Introcaso altered or concealed the Whited-Out Orders "with a purpose to impair its verity or availability" to the Committee investigating; or (2) Judge Introcaso presented the Whited-Out Orders, which she had altered "with a purpose to deceive a public servant who is or may be engaged in such proceeding or investigation." This conduct, if found to be true, could constitute a felony of Falsifying Physical Evidence in violation of RSA 641:6, I or II.

Was it from Partello's Exhibit or the original order?

Violations of the Code

45. Canon 1, Rule 1.1 (*Compliance with the Law*) of the Code of Judicial Conduct (Supreme Court Rule 38) provides that: "A judge shall comply with the law, including the Code of Judicial Conduct." The facts suggest that Judge Introcaso may have committed a crime by whiting out the Apple Pay Order and Fee Cap Order knowing that the Committee was investigating whether Judge Introcaso violated the Code of Judicial Conduct for issuing those Orders and that she did so with the purpose to the verity or availability of the order to the Committee or with the purpose of deceiving the Committee into thinking someone else altered the orders.
46. Canon 1, Rule 1.2 (*Promoting Confidence in the Judiciary*) of the Code of Judicial Conduct (Supreme Court Rule 38) provides that: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety," Canon 1, Rule 1.1 (*Compliance with the Law*) of the Code of Judicial Conduct (Supreme Court

Rule 38) provides that: "A judge shall comply with the law, including the Code of Judicial Conduct." Judge Introcaso issued an order or approved recommendations from the marital master which benefited her friend Kathleen Sternenberg by appointing Attorney Sternenberg as GAL and approving orders relating her the payment of Attorney Sternenberg's fees. By not recusing herself in this situation, Judge Introcaso created both an appearance of impropriety and an actual impropriety by favoring her friend over the objection of Robin Partello.

47. Canon 1, Rule 1.2 (*Promoting Confidence in the Judiciary*) of the Code of Judicial Conduct (Supreme Court Rule 38) provides that: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety." Signing orders without reading them, and without checking for any conflicts of interest, violates this rule because it undermines the public confidence in the judiciary, as Judge Introcaso admits. ("I should have read both #11 and #12 in greater detail . . . Basic orders recommended by Master DalPra or Referee Thorn, . . . were usually signed without the most diligent review.")
48. Canon 2, Rule 2.5 (*Competence, Diligence and Cooperation*) of the Code of Judicial Conduct (Supreme Court Rule 38) provides that: "A judge shall perform judicial and administrative duties, competently and diligently." Signing orders without reading them, and without checking for any conflicts of interest, violates this rule because it is a failure to perform judicial responsibilities competently and diligently, as Judge Introcaso admits. ("I should have read both #11 and #12 in greater detail . . . Basic orders recommended by Master DalPra or Referee Thorn, . . . were usually signed without the most diligent review.")
49. Additionally, ruling on motions without first disclosing a conflict of interest, "creates the appearance of impropriety", also in violation of Canon 1, Rule 1.2 and Canon 2, Rule 2.11. See Judge Introcaso's Answer ("I cannot deny that, in retrospect, my rulings and signatures may have created an impression with Ms. Partello that some impropriety on my behalf occurred.").
50. Canon 2, Rule 2.5(B) (*Competence, Diligence and Cooperation*) states that: "A judge shall cooperate with other judges and court officials in the administration of court business." Questioning court employees about whether they whited-out court orders, and requesting their assistance with further alterations of court orders by copying, stamping, and making notations in the margins, in addition to the other actions described above, violates this rule because it does not promote cooperation with court officials in the administration of court business. As Judge Introcaso admitted, instead of promoting the cooperative administration of court business, she "created serious concern and anxiety with clerks and employees." This further violates Canon 1, Rule 1.2 by "creating the appearance of impropriety."

51. Lastly, Judge Introcaso's failure to report the discovery of the white-out alterations implicates several rules of judicial conduct.

- a. Given that these were the two orders at issue in the pending Partello complaint (JC-19-050-C), failing to report that these orders were completely concealed by white-out violates Canon 2, Rule 2.16, which states that "A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies." Failing to report an alteration to a file at issue in a pending complaint is not candid, open, and honest, behavior.
- b. Her failure to report their alteration, in combination with the other facts and circumstances in this case, fails to promote confidence in the judiciary, in violation of Canon 1, Rule 1.2, by "creating the appearance of impropriety."
- c. The failure to report the alteration of court files violates Canon 2, Rule 2.5 because it does not promote the cooperation with other judges and court officials in the administration of court business.

52. Based on the apparent facts of this case, Judge Introcaso engaged in conduct which she knew or should have known was a violation of Canon 1, Rule 1.1 and Rule 1.2, Canon 2, Rule 2.5, 2.11 and Rule 2.16. Acting in a manner that violates the Code does not promote public confidence in the integrity of the judiciary, which also gives rise to the appearance of impropriety as a further violation of the code.

Formal Charges

53. Based on the foregoing, there is clear and convincing evidence of violation of the following provisions of the Code of Judicial Conduct:

- d. Judge Introcaso, in violation of Canon 1, Rule 1.1, failed to comply with the law, including the Code of Judicial Conduct.
- e. Judge Introcaso, in violation of Canon 1, Rule 1.2, failed to act at all times in a manner that promotes public confidence in the impartiality of the judiciary.
- f. Judge Introcaso, in violation of Canon 1, Rule 1.2, failed to avoid impropriety and the appearance of impropriety.
- g. Judge Introcaso, in violation of Canon 2, Rule 2.5, failed to perform judicial responsibilities competently and diligently.
- h. Judge Introcaso, in violation of Canon 2, Rule 2.5, failed to cooperate with other judges and court officials in the administration of court business.
- i. Judge Introcaso, in violation of Canon 2, Rule 2.11, failed to disqualify herself in a proceeding in which the judge's impartiality might reasonably be questioned.

- j. Judge Introcaso, in violation of Canon 2, Rule 2.16, failed to cooperate with judicial disciplinary agencies.
- k. Judge Introcaso, in violation of Canon 2, Rule 2.16, failed to cooperate and be candid and honest with judicial agencies.

Within thirty (30) days of receipt of this Formal Statement of Charges, the Respondent shall file an Answer with the Executive Secretary of the Committee on Judicial Conduct in accordance with Supreme Court Rule 40(9)(F), setting forth all denials, affirmative defenses, mitigating circumstances, and other matters which Judge Introcaso intends to raise at the hearing.

Respectfully submitted,

Judicial Conduct Committee

By its Committee Counsel,

By: /s/ Philip R. Waystack

Philip R. Waystack, Esquire

JUDICIAL CONDUCT COMMITTEE

Dated: October 14, 2020

By: /s/ Mary E. Collins

Mary E. Collins, Chair

2020 DECEMBER

CALENDAR YEAR

CALENDAR MONTH

SUNDAY
FIRST DAY OF WEEK

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
01	02	03	04	05	06	07
08	09	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24 Christmas Eve	25 Christmas Day	26	27	28

2020 JANUARY

CALENDAR YEAR

CALENDAR MONTH

SUNDAY
FIRST DAY OF WEEK

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31 New Year's Eve	01 New Year's Day	02	03	04
05	06	07	08	09	10	
12	13	14	15	16	17	





THE STATE OF NEW HAMPSHIRE SEP -3 A 10 10
9TH CIRCUIT - FAMILY DIVISION - NASHUA

HILLSBOROUGH, SS.

AUGUST, 2013

IN THE MATTER OF
REGAN MERRIFIELD AND AARON COX

Docket No. 657-2011-DM-00565

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM
(RSA 458:17-A, as amended, effective May 12, 1992)

The Master recommends the following order be entered:

1. The Standing Order Relative to Guardian ad Litem Appointment (hereinafter referred to as the "Standing Order") attached hereto is made a part hereof.

2. Name: Attorney Kathleen A. Sternenberg
Law Office of Kathleen A. Sternenberg
27 Webster Street
Manchester NH 03104-2547
(603) 641-1048

Is appointed Guardian ad Litem of the children:

Declan Cox 02/27/2010

3. The Guardian ad Litem shall investigate the following issues and make recommendations to the court thereon:

X Joint decision making responsibilities
X Residential parenting responsibility/parenting time
Special needs of the child(ren)
(SPECIFY):
Counseling for family/mother/father/child(ren) as recommended by
the Guardian ad litem
____ Psychological evaluations of mother/father/child(ren) as
recommended by the Guardian ad Litem
Parenting skills of mother/father/both
Appropriateness of home environment of mother/father/both
Substance abuse: alcohol/drugs/both/other
Violence, physical abuse, emotional abuse

Sexual abuse of
Supervision of parent-child contact
Rights of grandparents to visit
Influence of companions of either party on child(ren)
Maturity of child(ren) stating a preference
Travel arrangements
Time, place and manner of exchange for visits
Assessment of bond between child(ren) and each parent and/or
between siblings
X Other (SPECIFY): Educational attendance of child/legal residence

4. Payment of the costs and fees of the Guardian ad Litem shall be made as follows, in the first instance:

X Petitioner shall pay the entire GAL expense
Petitioner shall pay %
Respondent shall pay %
Payment of Petitioner's/Respondent's share shall be made from the Court Fund
The Court orders Petitioner/Respondent/both to contact the Office of Cost Containment (OCC) within ten (10) days so that it may determine whether, and if so upon what terms reimbursement of GAL expenses is to be made to the Fund. The responsible party or parties shall comply with the terms for any reimbursement as established by OCC, subject to review by the terms for reimbursement. As long as an Order for Reimbursement is outstanding, the party responsible shall keep the Court and OCC informed at all times of their current mailing address. The address/telephone number of OCC is:

OCC/GAL
State House Annex Room 400
25 Capital Street
Concord NH 03301
(603) 271-7098

The maximum hourly billing rate is set forth in the Standing Order.

5. Other Provisions: GAL indicates rate \$100 per hour with \$1500 retainer
6. Guardian ad Litem Stipulations to be filed within 30 days of appointment.
7. Preliminary Report to be filed by:

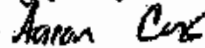
8. Final Report to be filed by:

January 15, 2014


Petitioner's Attorney for Petitioner


Respondent's Attorney for Respondent

So ordered:


Haron Cox

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

9/6/13
Date

Julie A. Introcaso

Printed Name of Judge


Signature of Judge

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: Nashua Family DivisionCase Name: 140 Thomas Sobell and Patricia SobellCase Number: 659-2013-DH-00348
(if known)

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM
(Divorce/Parenting)

Thomas Sobell
 Petitioner's Name D.O.B.

66 Bartemus Tr
 Street Address

Nashua, NH 03063
 City, State, Zip

603 718 9532
 Telephone E-Mail Address

Patricia Sobell
 Respondent's Name D.O.B.

66 Bartemus Tr
 Street Address

Nashua, NH 03063
 City, State, Zip

Telephone E-Mail Address

The following order shall be entered:

1. The attached Standing Order Relative to Guardian ad Litem Appointment (hereinafter referred to as the "Standing Order") is made a part of this order.

2. Name: Kathleen Sternberg Telephone: 603-641-1048
 Address: 27 Webster Street, Manchester, N.H. 03104-2547
 is appointed Guardian ad Litem of the child(ren):

[REDACTED] D.O.B. [REDACTED]

[REDACTED] D.O.B. [REDACTED]

[REDACTED] D.O.B. [REDACTED]

* If you are not currently a board certified GAL, you must notify the Court immediately and this order will be vacated. If at any time during appointment your certification lapses, you must notify the Court immediately and file a motion to withdraw.

3. The Guardian ad Litem shall investigate the following issues and make recommendations to the court thereon:

☒ Decision-making responsibilities☒ Residential responsibilities☒ Parenting time☒ Special needs of the child(ren) (specify):

ADHD, eating disorder, anxiety, hypervigilance of mother & grandparent regarding feeding & sleeping arrangements

☐ Counseling for family/individual counseling for ☐ Petitioner ☐ Respondent ☐ child(ren) ☒ other

☐ Psychological evaluations of ☐ Petitioner ☒ Respondent ☐ child(ren)

Case Name: _____

Case Number: _____

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

- ☐ Parenting skills of ☐ Petitioner ☐ Respondent ☒ both parties
☐ Appropriateness of the home environment of ☐ Petitioner ☐ Respondent ☒ both parties
☐ Substance abuse: ☐ alcohol ☐ drugs ☐ both ☐ other _____
☐ Violence, physical abuse, emotional abuse
☐ Sexual abuse of
☐ Supervision of parenting time
☐ Rights of grandparents to visit
☐ Influence of companions of either party on child(ren)
☐ Maturity of child(ren) stating a preference
☐ Travel arrangements
☐ Time, place and manner of exchange for parenting time
☒ Assessment of bond between child and each parent and/or between siblings
☒ Other issues which the GAL deems relevant based upon the investigation
☐ Other (specify): _____

4. Payment of the costs and fees of the Guardian ad Litem shall be made as follows:

A. **Percentage of payment:**

- ☒ The Petitioner shall pay 100 % of the Guardian ad Litem fees.
☐ The Respondent shall pay _____ % of the Guardian ad Litem fees.

B. **Payment Orders:**

- ☐ Unless otherwise agreed with the Guardian ad Litem, the Guardian ad Litem's hourly rate shall be no more than \$ _____. All parties must cooperate with the Guardian ad Litem's reasonable requests for payment.
☐ Unless otherwise agreed with the Guardian ad Litem, a retainer of \$ _____ shall be paid to the Guardian ad Litem by no later than _____ in the proportion set forth in the paragraph above. In the event any party's payment is not made in accordance with this Order, the other party or the GAL may request a hearing. The party not in compliance with this Order may be required to appear at the hearing, prepared to show cause why s/he should not be held in contempt of court. Unless otherwise ordered, the Guardian ad Litem is not required to commence an investigation until the retainer is paid in full.
☐ Other Payment Orders: _____

5. Other provisions: _____

6. Guardian ad Litem Stipulations to be filed by: _____

Case Name: _____

Case Number: _____

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

7. Preliminary Report to be filed by: _____

8. Final Report to be filed by: _____

Recommended:

Date _____

Signature of Marital Master _____

Printed Name of Marital Master _____

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date 1/30/14

Signature of Judge _____

JULIE A. INTROCASO

Printed Name of Judge _____

STANDING ORDER RELATIVE TO GUARDIAN AD LITEM APPOINTMENT

This order applies to all Guardian *ad Litem* appointments unless its terms are altered by an order entered in a specific case. Any changes in the order or the stipulations must be in writing and filed with the court.

1. GUARDIAN AD LITEM STIPULATION:

In every case in which a Guardian *ad Litem* is appointed, the parties and the Guardian shall file a stipulation as to the following issues:

- a. Expenses for which the Guardian *ad Litem* will be reimbursed;
- b. Guardian *ad Litem* hourly billing rate and maximum fee;
- c. Frequency of billing, terms of payment, and payment of retainer;
- d. The names of the individuals requested to be interviewed by the Guardian *ad Litem*, including names, addresses, telephone numbers and relationship to party or child, listed in order of importance. The Guardian *ad Litem* shall have the discretion to decide which individuals to interview;
- e. Manner in which the Guardian *ad Litem* will communicate with each party's references (e.g., office conference, telephone call, letter);
- f. Action(s) the Guardian *ad Litem* will take if unable to contact a reference;
- g. Whether the Guardian *ad Litem* will visit each party's home;
- h. Whether conversations between the Guardian *ad Litem* and the children will be confidential;
- i. Other orders necessary to protect confidentiality; and
- j. Dates by which parties will execute authorizations for reports. Specify records to be requested.

If this stipulation is not filed by the date set forth in the Order on Appointment of Guardian *ad Litem*, the court shall schedule an immediate enforcement hearing at the request of the Guardian *ad Litem* or either party.

Case Name: _____

Case Number: _____

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)**2. GUARDIAN AD LITEM FEES:**

- a. The Guardian *ad Litem* shall be compensated at the rate of \$60.00 per hour. The maximum fee (including costs) shall not exceed \$1,000.00 for any case, and shall include attendance at hearings.
- b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.
- c. The maximum fee shall not be exceeded without prior approval of the court after hearing with the parties and the Guardian *ad Litem* present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.
- d. When the parties are paying the cost of the GAL, the \$60.00 per hour rate and the \$1,000.00 maximum fee may be waived upon written agreement of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties.
- e. If counseling, therapy or evaluations are recommended by the GAL, no expenses for those may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders upon motion of either party, or *sua sponte*, to authorize specific additional services with appropriate limits on payment.

3. COMMENCEMENT, SUSPENSION AND RESUMPTION OF WORK:

The Guardian *ad Litem* shall commence an investigation on receipt of the Order of Appointment and shall diligently investigate the case, and prepare a report. If the parties agree to suspend the investigation and preparation of a report for any reason, they shall immediately seek the assent of the Guardian *ad Litem* to such suspension and file with the Court a written agreement to suspend the Guardian *ad Litem*'s work. This agreement shall be signed by all parties, including the Guardian *ad Litem* who shall suspend work on the case on receipt of notice that the Court has approved the agreement.

A party desiring that the Guardian *ad Litem* resume work on the case shall immediately file an appropriate motion and shall send a copy of the motion to the Guardian *ad Litem* who shall resume work in that case only on receipt of the court's notice that the motion has been granted.

4. PLEADINGS AND STIPULATIONS:

Each party shall certify on every pleading that s/he has mailed or delivered a copy of the pleading to the Guardian *ad Litem*.

The parties may agree on any issue concerning the child(ren) or incapacitated adult, and shall certify that s/he has mailed or delivered a copy of the written agreement to the Guardian *ad Litem*. The Guardian *ad Litem* may sign the agreement or file an objection, if appropriate, within ten days from the date of mailing or delivery.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: 9th Circuit-Family Division NashuaCase Name: In the Matter of John Crawford and Berniece CrawfordCase Number: 226-2008-DM-525
(if known)

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM
(Divorce/Parenting)

John Crawford

Petitioner's Name

D.O.B. [REDACTED]Berniece Crawford

Respondent's Name

D.O.B. [REDACTED]20 Withces Spring Rd

Street Address

15 Iron Horse Drive E-304

Street Address

Hollis, NH 03049

City, State, Zip

Bedford, NH 03110

City, State, Zip

978-758-3789

Telephone

E-Mail Address

Telephone

E-Mail Address

The following order shall be entered:

1. The attached Standing Order Relative to Guardian ad Litem Appointment (hereinafter referred to as the "Standing Order") is made a part of this order.

2. Name: KATHLEEN STERNBERG Telephone: 641-1048
Address: 27 WEBSTER STREET - MANCHESTER, N.H. 03104-254

Is appointed Guardian ad Litem of the child(ren):

D.O.B. [REDACTED]D.O.B. [REDACTED]D.O.B. [REDACTED]

* If you are not currently a board certified GAL you must notify the Court immediately and this order will be vacated. If at any time during appointment your certification lapses, you must notify the Court immediately and file a motion to withdraw.

3. The Guardian ad Litem shall investigate the following issues and make recommendations to the court thereon:

- ☐ Decision-making responsibilities
☐ Residential responsibilities
☐ Parenting time
☐ Special needs of the child(ren) (specify):

☐ Counseling for family/individual counseling for ☐ Petitioner ☐ Respondent ☐ child(ren)

☐ Psychological evaluations of ☐ Petitioner ☐ Respondent ☐ child(ren)

JL

Case Name: Error! Reference source not found.

Case Number: Error! Reference source not found.

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

- ☐ Parenting skills of ☐ Petitioner ☐ Respondent ☐ both parties
☐ Appropriateness of the home environment of ☐ Petitioner ☐ Respondent ☐ both parties
☐ Substance abuse: ☐ alcohol ☐ drugs ☐ both ☐ other _____
☐ Violence, physical abuse, emotional abuse
☐ Sexual abuse of _____
☐ Supervision of parenting time
☐ Rights of grandparents to visit
☐ Influence of companions of either party on child(ren)
☒ Maturity of child(ren) stating a preference
☐ Travel arrangements
☐ Time, place and manner of exchange for parenting time
☐ Assessment of bond between child and each parent and/or between siblings
☐ Other issues which the GAL deems relevant based upon the investigation
☐ Other (specify): _____

4. The Court sets the maximum fee in this case at \$ _____. The fee may only be exceeded with prior approval of the Court and notice to all parties. Payment of the costs and fees of the Guardian ad Litem shall be made as follows:

A. Percentage of payment:

- ☒ The Petitioner shall pay 50 % of the Guardian ad Litem fees.
☒ The Respondent shall pay 50 % of the Guardian ad Litem fees.

B. Payment Orders:

- ☒ Unless otherwise agreed with the Guardian ad Litem, the Guardian ad Litem's hourly rate shall be no more than \$ 75. All parties must cooperate with the Guardian ad Litem's reasonable requests for payment.
☒ Unless otherwise agreed with the Guardian ad Litem, a retainer of \$ 500 shall be paid to the Guardian ad Litem by no later than 7/15/15. The proportion set forth in the paragraph above. In the event any party's payment is not made in accordance with this Order, the other party or the GAL may request a hearing. The party not in compliance with this Order may be required to appear at the hearing, prepared to show cause why s/he should not be held in contempt of court. Unless otherwise ordered, the Guardian ad Litem is not required to commence an investigation until the retainer is paid in full.
☐ Other Payment Orders: _____

5. Other provisions: _____

6. Guardian ad Litem Stipulations to be filed by: 7/15/15

Case Name: Error! Reference source not found.Case Number: Error! Reference source not found.**ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)**

7. Preliminary Report to be filed by: _____

8. Final Report to be filed by: _____

8/7/15**Recommended:**

Date _____

Signature of Marital Master _____

Printed Name of Marital Master _____

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date _____

5/12/15

Signature of Judge _____

Amended 6/22/15

Printed Name of Judge _____

Julie A. Introcaso**STANDING ORDER RELATIVE TO GUARDIAN AD LITEM APPOINTMENT**

This order applies to all Guardian ad Litem appointments unless its terms are altered by an order entered in a specific case. Any changes in the order or the stipulations must be in writing and filed with the court.

1. GUARDIAN AD LITEM STIPULATION:

In every case in which a Guardian ad Litem is appointed, the parties and the Guardian shall file a stipulation as to the following issues:

- a. Expenses for which the Guardian ad Litem will be reimbursed;
- b. Guardian ad Litem hourly billing rate and the maximum fee established by the court in this case;
- c. Frequency of billing, terms of payment, and payment of retainer;
- d. The names of the individuals requested to be interviewed by the Guardian ad Litem, including names, addresses, telephone numbers and relationship to party or child, listed in order of importance. The Guardian ad Litem shall have the discretion to decide which individuals to interview;
- e. Manner in which the Guardian ad Litem will communicate with each party's references (e.g., office conference, telephone call, letter);
- f. Action(s) the Guardian ad Litem will take if unable to contact a reference;
- g. Whether the Guardian ad Litem will visit each party's home;
- h. Whether conversations between the Guardian ad Litem and the children will be confidential;
- i. Other orders necessary to protect confidentiality; and
- j. Dates by which parties will execute authorizations for reports. Specify records to be requested.

If this stipulation is not filed by the date set forth in the Order on Appointment of Guardian ad Litem, the court shall schedule an immediate enforcement hearing at the request of the Guardian ad Litem or either party.

Case Name: Error! Reference source not found.Case Number: Error! Reference source not found.**ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)****2. GUARDIAN AD LITEM FEES:**

- a. The Guardian ad Litem shall be compensated at the rate of \$_____ per hour. The maximum fee set by the court (including costs) shall not exceed \$_____ for this case, and shall include attendance at hearings.
- b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.
- c. The maximum fee shall not be exceeded without prior approval of the court after hearing with the parties and the Guardian ad Litem present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.
- d. When the parties are paying the cost of the GAL, the \$_____ per hour rate and the maximum fee set by the court may be waived upon written agreement of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties.
- e. If counseling, therapy or evaluations are recommended by the GAL, no expenses for those may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders upon motion of either party, or *sua sponte*, to authorize specific additional services with appropriate limits on payment.

3. COMMENCEMENT, SUSPENSION AND RESUMPTION OF WORK:

The Guardian ad Litem shall commence an investigation on receipt of the Order of Appointment and, unless otherwise ordered, on receipt of payment of the retainer in full, and shall diligently investigate the case, and prepare a report. If the parties agree to suspend the investigation and preparation of a report for any reason, they shall immediately seek the assent of the Guardian ad Litem to such suspension and file with the Court a written agreement to suspend the Guardian ad Litem's work. This agreement shall be signed by all parties, including the Guardian ad Litem who shall suspend work on the case on receipt of notice that the Court has approved the agreement.

A party desiring that the Guardian ad Litem resume work on the case shall immediately file an appropriate motion and shall send a copy of the motion to the Guardian ad Litem who shall resume work in that case only on receipt of the court's notice that the motion has been granted.

4. PLEADINGS AND STIPULATIONS:

Each party shall certify on every pleading that s/he has mailed or delivered a copy of the pleading to the Guardian ad Litem.

The parties may agree on any issue concerning the child(ren) or incapacitated adult, and shall certify that s/he has mailed or delivered a copy of the written agreement to the Guardian ad Litem. The Guardian ad Litem may sign the agreement or file an objection, if appropriate, within ten days from the date of mailing or delivery.

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

Telephone	E-Mail Address
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Case Name: In the Matter of Nicole Covart and Frank CovartCase Number: 659-2015-DM-00463ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

- ☐ Parenting skills of ☐ Petitioner ☐ Respondent ☐ both parties
- ☐ Appropriateness of the home environment of ☐ Petitioner ☐ Respondent ☐ both parties
- ☒ Substance abuse: ☐ alcohol ☐ drugs ☐ both ☐ other issue regarding
- ☐ Violence, physical abuse, emotional abuse respondent's access
- ☐ Sexual abuse of use of pornography
- ☒ Supervision of parenting time
- ☐ Rights of grandparents to visit
- ☐ Influence of companions of either party on child(ren)
- ☐ Maturity of child(ren) stating a preference
- ☐ Travel arrangements
- ☐ Time, place and manner of exchange for parenting time
- ☐ Assessment of bond between child and each parent and/or between siblings
- ☐ Other issues which the GAL deems relevant based upon the investigation
- ☒ Other (specify): Respondent's risk-taking (re: possible use of pornography at work)

4. The Court sets the maximum fee in this case at \$1500.00. The fee may only be exceeded with prior approval of the Court and notice to all parties. Payment of the costs and fees of the Guardian ad Litem shall be made as follows:

A. Percentage of payment:

- ☐ The Petitioner shall pay _____ % of the Guardian ad Litem fees.
- ☒ The Respondent shall pay 100 % of the Guardian ad Litem fees. (Retainer)

B. Payment Orders:

- ☒ Unless otherwise agreed with the Guardian ad Litem, the Guardian ad Litem's hourly rate shall be no more than \$ 100.00. All parties must cooperate with the Guardian ad Litem's reasonable requests for payment.
- ☐ Unless otherwise agreed with the Guardian ad Litem, a retainer of \$ 1500 shall be paid to the Guardian ad Litem by no later than 8/28 in the proportion set forth in the paragraph above. In the event any party's payment is not made in accordance with this Order, the other party or the GAL may request a hearing. The party not in compliance with this Order may be required to appear at the hearing, prepared to show cause why s/he should not be held in contempt of court. Unless otherwise ordered, the Guardian ad Litem is not required to commence an investigation until the retainer is paid in full.
- ☐ Other Payment Orders:

5. Other provisions:

6. Guardian ad Litem Stipulations to be filed by:

Case Name: In the Matter of Nicole Covart and Frank CovartCase Number: 659-2015-DM-00463**ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)**7. Preliminary Report to be filed by: 11 / 18. Final Report to be filed by: 2 / 1**Recommended:**

Date

Signature of Marital Master

Printed Name of Marital Master

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

August 20, 2015

Date

Signature of Judge

Julie A. Introcaso

Printed Name of Judge

STANDING ORDER RELATIVE TO GUARDIAN AD LITEM APPOINTMENT

This order applies to all Guardian *ad Litem* appointments unless its terms are altered by an order entered in a specific case. Any changes in the order or the stipulations must be in writing and filed with the court.

1. GUARDIAN AD LITEM STIPULATION:

In every case in which a Guardian *ad Litem* is appointed, the parties and the Guardian shall file a stipulation as to the following issues:

- a. Expenses for which the Guardian *ad Litem* will be reimbursed;
- b. Guardian *ad Litem* hourly billing rate and the maximum fee established by the court in this case;
- c. Frequency of billing, terms of payment, and payment of retainer;
- d. The names of the individuals requested to be interviewed by the Guardian *ad Litem*, including names, addresses, telephone numbers and relationship to party or child, listed in order of importance. The Guardian *ad Litem* shall have the discretion to decide which individuals to interview;
- e. Manner in which the Guardian *ad Litem* will communicate with each party's references (e.g., office conference, telephone call, letter);
- f. Action(s) the Guardian *ad Litem* will take if unable to contact a reference;
- g. Whether the Guardian *ad Litem* will visit each party's home;
- h. Whether conversations between the Guardian *ad Litem* and the children will be confidential;
- i. Other orders necessary to protect confidentiality; and
- j. Dates by which parties will execute authorizations for reports. Specify records to be requested.

If this stipulation is not filed by the date set forth in the Order on Appointment of Guardian *ad Litem*, the court shall schedule an immediate enforcement hearing at the request of the Guardian *ad Litem* or either party.

Case Name: In the Matter of Nicole Covart and Frank Covart

Case Number: 659-2015-DM-00463

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

2. GUARDIAN AD LITEM FEES:

- a. The Guardian ad Litem shall be compensated at the rate of \$_____ per hour. The maximum fee set by the court (including costs) shall not exceed \$_____ for this case, and shall include attendance at hearings.
- b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.
- c. The maximum fee shall not be exceeded without prior approval of the court after hearing with the parties and the Guardian ad Litem present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.
- d. When the parties are paying the cost of the GAL, the \$_____ per hour rate and the maximum fee set by the court may be waived upon written agreement of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties.
- e. If counseling, therapy or evaluations are recommended by the GAL, no expenses for those may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders upon motion of either party, or *sua sponte*, to authorize specific additional services with appropriate limits on payment.

3. COMMENCEMENT, SUSPENSION AND RESUMPTION OF WORK:

The Guardian ad Litem shall commence an investigation on receipt of the Order of Appointment and, unless otherwise ordered, on receipt of payment of the retainer in full, and shall diligently investigate the case, and prepare a report. If the parties agree to suspend the investigation and preparation of a report for any reason, they shall immediately seek the assent of the Guardian ad Litem to such suspension and file with the Court a written agreement to suspend the Guardian ad Litem's work. This agreement shall be signed by all parties, including the Guardian ad Litem who shall suspend work on the case on receipt of notice that the Court has approved the agreement.

A party desiring that the Guardian ad Litem resume work on the case shall immediately file an appropriate motion and shall send a copy of the motion to the Guardian ad Litem who shall resume work in that case only on receipt of the court's notice that the motion has been granted.

4. PLEADINGS AND STIPULATIONS:

Each party shall certify on every pleading that s/he has mailed or delivered a copy of the pleading to the Guardian ad Litem.

The parties may agree on any issue concerning the child(ren) or incapacitated adult, and shall certify that s/he has mailed or delivered a copy of the written agreement to the Guardian ad Litem. The Guardian ad Litem may sign the agreement or file an objection, if appropriate, within ten days from the date of mailing or delivery.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
CIRCUIT COURT

9th CIRCUIT - FAMILY DIVISION - NASHUA

CASE NO: 659-2015-DM-0046

IN THE MATTER OF NICOLE COVART AND FRANK COVART

ASSENTED TO MOTION TO EXTEND DATE FOR FILING OF GAL FINAL REPORT


NOW COMES Kathleen A. Sternenberg, Guardian ad Litem, in the above-referenced case, and she respectfully requests that this Court extend the time to file the Guardian ad Litem Report and in support thereof states as follows:

1. On August 20, 2015, Kathleen A. Sternenberg was appointed to act as Guardian ad Litem for [REDACTED], DOB [REDACTED] and [REDACTED], DOB [REDACTED] in this matter.
2. On January 14, 2016 at the Pre-Trial Conference, the court ordered the GAL to file her final report on February 1st, 2016.
3. Counsel for the parties agreed that the GAL will file a final report on February 15, 2016 if needed after continued mediation.

WHEREFORE, the Guardian ad Litem respectfully requests that this Court:

- A. Grant this Assented Motion to Extend Date for Filing of GAL Final Report; and
- B. Grant such other relief as may be fair and just.

Respectfully submitted,


Kathleen A. Sternenberg, Esq., NHB#8840
Law Office of Kathleen A. Sternenberg
27 Webster Street
Manchester, NH 03104-2547
(603)641-1048

Dated: January 14, 2016

Motion

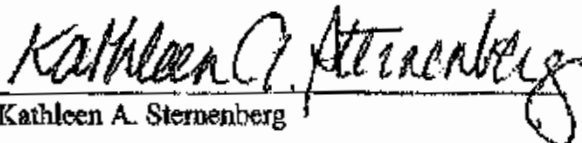
Granted / Denied:

Date:


Judge Julie A. Intracaso

Certificate of Service

I, Kathleen A. Sternenberg, hereby certify that I have, this day, mailed a copy of this Motion to Kempton P. Giggey, Esq., and Andrew M. Gallagher, counsel for the parties.


Kathleen A. Sternenberg

01/25/24

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

http://www.courts.state.nh.us

Court Name: 9th Circuit - District Division - Nashua

Case Name: In the Matter of Nicole Covart and Frank Covart

Case Number: 659-2015-DM-00463
(if known)

MOTION TO EXCEED GUARDIAN AD LITEM FEE CAP - Divorce/Parenting

1. This Motion to Exceed Fee Cap pertains to a Motion to Exceed *Guardian ad Litem* fee cap of \$ 1,500.00 in the above divorce/parenting case:
2. RSA 461-A:16, IV requires that the maximum fee established by the court may only be exceeded with the prior approval of the presiding judge and when all parties to the case have been notified. Please state the reasons you are seeking to exceed the maximum fee established by the court. (Attach additional pages if necessary):

The GAL will need to perform additional investigation, prepare for/and attend Pre-Trial Conference, speak with pediatrician, obtain medical records, file her final report, and attend final hearing.

3. ☒ I have not exceeded the fee cap before the filing of this Motion.
4. ☒ I have attached the original Order of Appointment.
5. ☐ I have attached the original petition(s).
6. I am requesting approval to exceed the fee cap by an additional amount of \$ 1,500.00 in anticipation of future bills. (Attach copy of most recent bill)
7. The total of my bills in this case \$ 1,430.00 (Attach copies of itemized invoices)

I represent that the foregoing is a true and reasonable bill for the services I rendered and for the costs incurred. I certify that I have not and will not receive any other compensation for the services or costs specified on the attached itemization.

I certify that on this date I provided this document(s) to the parties who have filed an appearance for this case or who are otherwise interested parties by: ☐ Hand-delivery OR ☒ US Mail OR ☐ Email (E-mail only by prior agreement of the parties based on Circuit Court Administrative Order)

Date 12/10/2015
Telephone (603) 641-1048

Kathleen A. Sternberg
Provider Signature
27 Webster St., Manchester, NH
Address 03229-2215

**IMPORTANT REQUIREMENTS
for filing statement with court**

A Motion to Exceed Attorney or Guardian *ad Litem* Fee Caps must be submitted to the court prior to exceeding the fee cap.

The motion must include the following

1. A copy of the order of appointment or order authorizing services, if applicable.
2. Itemization of all charges, including the date, amount of time and rate.
3. Itemization of all expenses, including a description of each expense and the cost of each expense.
4. A copy of the order or notice of decision, if any, granting a motion to exceed the fee cap related to the case.

Motion 12/29/15 ~~Granted~~ / ~~Denied~~
Date [Signature]
Judge Julie A. Introcaso

Law Office of Kathleen Stenberg
 27 Webster Street
 Manchester, NH 03104-2547

Invoice submitted to:
 Nicole Covart
 19 Melissa Drive
 Nashua NH 03062

December 01, 2015

Invoice # 18873

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
11/2/2015 Prepare and finalize GAL report and send to court	0.25 100.00/hr	25.00
11/11/2015 Receive and review GAL questionnaire from Elizabeth Covart, Frank's sister and Tim Wilde, Frank's brother-in-law	0.50 100.00/hr	50.00
For professional services rendered	0.75	\$75.00
Previous balance		(\$145.00)
Credit balance		(\$70.00)

cc: Frank Covart
 15 Jefferson Road
 Bedford, NH 03110

Law Office of Kathleen Sternberg
 27 Webster Street
 Manchester, NH 03104-2547

Invoice submitted to:
 Nicole Covart
 19 Melissa Drive
 Nashua NH 03062

November 03, 2015

Invoice # 18860

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
10/27/2015 Receive and review/print GAL questionnaire from Jodi Longden	0.25 100.00/hr	25.00
10/28/2015 Receive and review GAL questionnaires from Jean/Alena Gregoire	0.50 100.00/hr	50.00
11/1/2015 Review file; draft Preliminary Report	3.00 100.00/hr	300.00
For professional services rendered	3.75	\$375.00
Previous balance		(\$520.00)
Credit balance		<u>(\$145.00)</u>

cc: Frank Covart
 15 Jefferson Road
 Bedford, NH 03110

Law Office of Kathleen Sternberg
 27 Webster Street
 Manchester, NH 03104-2547

Invoice submitted to:
 Nicole Covart
 19 Melissa Drive
 Nashua NH 03062

October 26, 2015

Invoice # 18840

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
8/24/2015 Receive and review Order on Appointment of GAL	0.25 100.00/hr	25.00
9/3/2015 Receive and review email Andrew Gallagher regarding payment; reply	0.25 100.00/hr	25.00
9/17/2015 Receive and review Frank Covart's questionnaire and documents (releases)	0.50 100.00/hr	50.00
9/24/2015 Receive and review Stipulation; receive/review/print GAL questionnaire, Nicole Covart	0.30 100.00/hr	30.00
10/5/2015 Initial consult/Interview Nicole Covart and Initial contact/Interview Frank Covart	3.00 100.00/hr	300.00
10/15/2015 Receive and review GAL questionnaire from Kristina Dean	0.25 100.00/hr	25.00
10/16/2015 Receive and review GAL questionnaire from Lauren Hall	0.25 100.00/hr	25.00
10/19/2015 Meeting with Penny at daycare; meet [REDACTED]; home visit with Nicole and children	2.50 100.00/hr	250.00
10/20/2015 Receive and review notes from Nicole	0.25 100.00/hr	25.00
10/21/2015 Receive and review GAL questionnaire from Beth Philorantz	0.25 100.00/hr	25.00

Nicole Covart

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
10/21/2015 Home visit with Frank Covart	1.50 100.00/hr	150.00
10/22/2015 Research sexual addiction effect on children	0.50 100.00/hr	50.00
For professional services rendered	9.80	\$980.00
8/27/2015 Payment - retainer from Frank Covart - thank you.		(\$1,500.00)
Total payments and adjustments		(\$1,500.00)
Credit balance		(\$520.00)

cc: Frank Covart
 15 Jefferson Road
 Bedford, NH 03110

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

HILLSBOROUGH COUNTY

9TH CIRCUIT - FAMILY DIVISION - NASHUA

**In the Matter of:
Nicole Covart Petitioner and Frank Covart, Respondent
Case No: 659-2015-DM-00463**

INTERIM ORDER

On August 20, 2015, the Court held a temporary hearing on the above-captioned Petition for Divorce at the request of the parties. Both parties appeared with counsel.

The parties are the parents of two minor children, [REDACTED], age [REDACTED], and [REDACTED], age [REDACTED]. The Respondent has not seen the children since late June.

Beginning August 22, 2105, the Respondent shall have parenting time with the children on Saturdays and Sundays from 9 a.m. to 4 p.m. on the condition that a paternal grandparents are present at all times during the Respondent's parenting time, including transportation. The children will be picked up and dropped off at the marital residence.

The Petitioner shall provide necessary items for the baby's care to the Respondent, if needed.

So Ordered.

August 20, 2015

Date


Judge Julie A. Introcaso

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: 9th Circuit – Family Division at Nashua
Case Name: In The Matter Of Nicole Covert and Frank Covert
Case Number: 659-2015-DM-00483

SCHEDULING CONFERENCE ORDER

1. Conference relating to:

<input checked="" type="checkbox"/> Petition for Divorce/Legal Separation/Civil Union Dissolution	<input type="checkbox"/> Modification of:
<input type="checkbox"/> Parenting Petition	<input type="checkbox"/> Parenting Plan
<input type="checkbox"/> Establish Paternity/Support	<input type="checkbox"/> Support/Alimony
<input type="checkbox"/> UIFSA	
<input type="checkbox"/> Other: _____	
2. Present were:

<input checked="" type="checkbox"/> Petitioner	<input checked="" type="checkbox"/> Petitioner's Attorney: <u>Kempton Giggev</u>
<input checked="" type="checkbox"/> Respondent	<input checked="" type="checkbox"/> Respondent's Attorney: <u>Andrew Gallagher</u>
<input type="checkbox"/> Guardian <i>ad Litem</i>	<input type="checkbox"/> Other: _____
3. Issues:

<input checked="" type="checkbox"/> Parenting Rights and Responsibilities: <ul style="list-style-type: none"> <input type="checkbox"/> Decision-Making <input type="checkbox"/> Residential 	<input checked="" type="checkbox"/> Property Distribution: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Real Estate <input checked="" type="checkbox"/> Personal <input checked="" type="checkbox"/> Pensions <input type="checkbox"/> Business Interest
<input type="checkbox"/> Grounds	
<input checked="" type="checkbox"/> Child Support	<input checked="" type="checkbox"/> Distribution of Debts
<input type="checkbox"/> Alimony	<input checked="" type="checkbox"/> Health Insurance
<input checked="" type="checkbox"/> Tax Exemptions	
<input checked="" type="checkbox"/> Other: _____	
4. Discovery completed? ☐ Yes ☒ No, to be completed by 90 Day unless specifically modified by court order.
 Family Division Only: Has the Petitioner complied with Rule 1.25-A? ☒ Yes ☐ No
 Family Division Only: Has the Respondent complied with Rule 1.25-A? ☒ Yes ☐ No
 Interrogatories to be sent by 45 Days Depositions to be completed by 60
 Exchange of documents by 45 Days Disclosure of experts on/by PTC
 Exchange appraisals by 45 Days Exchange pensions, etc. by 45 Days
 Other: _____
- 5a. Has the Petitioner attended CIP? ☐ Yes ☒ No ☐ N/A
- 5b. Has the Respondent attended CIP? ☒ Yes ☐ No ☐ N/A

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Case Name: _____

Case Number: _____


SCHEDULING CONFERENCE ORDER

6. Have the Parties Attempted Mediation or other ADR? ☐ Yes ☒ No
 If no, why not? Would like mediation / 30 to 45 days
7. Mediation ordered? ☒ Yes, see attached Order on Appointment of Mediator ☐ No
8. Guardian ad Litem to be Appointed? Reg: J Durkin. ☐ Yes ☐ No
 (If yes, see attached Order on Appointment of Guardian ad Litem.)
 GAL report to be filed by TBO
9. Miscellaneous: _____
10. Next Conference/Date and Time:
☒ Pretrial: 1-14-16 @ 9:30
☐ Motion: _____
☒ Final Hearing: 2-22-16 @ 9:00
☐ Other: _____
11. Amount of Time Requested: 1/2 to 1 Day
12. Likelihood of Settlement: Unknown but hopeful
13. Monitor Requested? ☐ Yes ☐ No
14. Other: _____
- _____
- _____
- _____
- _____
- _____
- _____

So Ordered:

August 20, 2015

Date


 Signature - Hon. Julie A. Introcaso
NOTE

This is a court order. The court intends to enforce the discovery deadlines and provisions described in this order. A party must request enforcement of this order by motion in a timely manner. If you settle the case before the next hearing date, or if the amount of time requested has been reduced due to partial agreements, please notify the court as soon as possible.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: 9th Circuit-Family Division NashuaCase Name: Dana Albrecht and Katherine AlbrechtCase Number: 659-2016-DM-00258
(if known)

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM
(Divorce/Parenting)

Petitioner's Name Dana Albrecht D.O.B. [REDACTED]Street Address 38 E NASHUA ROADCity, State, Zip Windham, NH 03087-1139Telephone (603) 809-1097 E-Mail Address _____Respondent's Name Katherine Albrecht D.O.B. [REDACTED]Street Address 214 Worcester Rd.City, State, Zip Hollis, NH 03049Telephone (603) 484-4042 E-Mail Address _____

The following order shall be entered:

1. The attached Standing Order Relative to Guardian *ad Litem* Appointment (hereinafter referred to as the "Standing Order") is made a part of this order.2. Name: ~~Katherine Albrecht~~ Kathleen Starnes telephone: 604-1088Address: 27 Webster St Manchester, NHis appointed Guardian *ad Litem* of the child(ren):

[REDACTED]	D.O.B. [REDACTED]
[REDACTED]	D.O.B. [REDACTED]
[REDACTED]	D.O.B. [REDACTED]

* If you are not currently a board certified GAL you must notify the Court immediately and this order will be vacated. If at any time during appointment your certification lapses, you must notify the Court immediately and file a motion to withdraw.

3. The Guardian *ad Litem* shall investigate the following issues and make recommendations to the court thereon:

- ☒ Decision-making responsibilities
- ☒ Residential responsibilities
- ☐ Parenting time
- ☐ Special needs of the child(ren) (specify): _____

☒ Counseling for family/individual counseling for ☐ Petitioner ☐ Respondent ☒ child(ren)☐ Psychological evaluations of ☐ Petitioner ☐ Respondent ☐ child(ren)

Case Name: _____

Case Number: _____

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

- ☒ Parenting skills of ☐ Petitioner ☐ Respondent ☒ both parties
☒ Appropriateness of the home environment of ☐ Petitioner ☐ Respondent ☒ both parties
☐ Substance abuse: ☐ alcohol ☐ drugs ☐ both ☐ other _____
☒ Violence, physical abuse, emotional abuse
☐ Sexual abuse of _____
☐ Supervision of parenting time
☐ Rights of grandparents to visit
☐ Influence of companions of either party on child(ren)
☒ Maturity of child(ren) stating a preference
☐ Travel arrangements
☐ Time, place and manner of exchange for parenting time
☒ Assessment of bond between child and each parent and/or between siblings
☒ Other issues which the GAL deems relevant based upon the investigation
☐ Other (specify): _____

4. The Court sets the maximum fee in this case at \$4,000. The fee may only be exceeded with prior approval of the Court and notice to all parties. Payment of the costs and fees of the Guardian *ad Litem* shall be made as follows:

A. Percentage of payment:

- ☒ The Petitioner shall pay 50 % of the Guardian *ad Litem* fees.
☒ The Respondent shall pay 60 % of the Guardian *ad Litem* fees.

B. Payment Orders:

- ☐ Unless otherwise agreed with the Guardian *ad Litem*, the Guardian *ad Litem*'s hourly rate shall be no more than \$ _____. All parties must cooperate with the Guardian *ad Litem*'s reasonable requests for payment.
☒ Unless otherwise agreed with the Guardian *ad Litem*, a retainer of \$2,000 shall be paid to the Guardian *ad Litem* by no later than 11/2/16 in the proportion set forth in the paragraph above. In the event any party's payment is not made in accordance with this Order, the other party or the GAL may request a hearing. The party not in compliance with this Order may be required to appear at the hearing, prepared to show cause why s/he should not be held in contempt of court. Unless otherwise ordered, the Guardian *ad Litem* is not required to commence an investigation until the retainer is paid in full.
☐ Other Payment Orders: _____

5. Other provisions: _____

6. Guardian *ad Litem* Stipulations to be filed by: 11/9/16

Case Name: _____

Case Number: _____

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)7. Preliminary Report to be filed by: 1/20/178. Final Report to be filed by: TRD

Recommended:

10/13/16

Date


Signature of Marital Master

BRUCE F. DALPRA

MARITAL MASTER
Printed Name of Marital Master

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

10/13/16

Date


Signature of Judge

JULIE A. INTROCASO

Printed Name of Judge

STANDING ORDER RELATIVE TO GUARDIAN AD LITEM APPOINTMENT

This order applies to all Guardian *ad Litem* appointments unless its terms are altered by an order entered in a specific case. Any changes in the order or the stipulations must be in writing and filed with the court.

1. GUARDIAN AD LITEM STIPULATION:

In every case in which a Guardian *ad Litem* is appointed, the parties and the Guardian shall file a stipulation as to the following issues:

- a. Expenses for which the Guardian *ad Litem* will be reimbursed;
- b. Guardian *ad Litem* hourly billing rate and the maximum fee established by the court in this case;
- c. Frequency of billing, terms of payment, and payment of retainer;
- d. The names of the individuals requested to be interviewed by the Guardian *ad Litem*, including names, addresses, telephone numbers and relationship to party or child, listed in order of importance. The Guardian *ad Litem* shall have the discretion to decide which individuals to interview;
- e. Manner in which the Guardian *ad Litem* will communicate with each party's references (e.g., office conference, telephone call, letter);
- f. Action(s) the Guardian *ad Litem* will take if unable to contact a reference;
- g. Whether the Guardian *ad Litem* will visit each party's home;
- h. Whether conversations between the Guardian *ad Litem* and the children will be confidential;
- i. Other orders necessary to protect confidentiality; and
- j. Dates by which parties will execute authorizations for reports. Specify records to be requested.

If this stipulation is not filed by the date set forth in the Order on Appointment of Guardian *ad Litem*, the court shall schedule an immediate enforcement hearing at the request of the Guardian *ad Litem* or either party.

Case Name: _____

Case Number: _____

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)**2. GUARDIAN AD LITEM FEES:**

a. The Guardian ad Litem shall be compensated at the rate of \$_____ per hour. The maximum fee set by the court (including costs) shall not exceed \$_____ for this case, and shall include attendance at hearings.

b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.

c. The maximum fee shall not be exceeded without prior approval of the court after hearing with the parties and the Guardian *ad Litem* present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.

d. When the parties are paying the cost of the GAL, the \$_____ per hour rate and the maximum fee set by the court may be waived upon written agreement of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties.

e. If counseling, therapy or evaluations are recommended by the GAL, no expenses for those may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders upon motion of either party, or *sua sponte*, to authorize specific additional services with appropriate limits on payment.

3. COMMENCEMENT, SUSPENSION AND RESUMPTION OF WORK:

The Guardian *ad Litem* shall commence an investigation on receipt of the Order of Appointment and, unless otherwise ordered, on receipt of payment of the retainer in full, and shall diligently investigate the case, and prepare a report. If the parties agree to suspend the investigation and preparation of a report for any reason, they shall immediately seek the assent of the Guardian *ad Litem* to such suspension and file with the Court a written agreement to suspend the Guardian *ad Litem*'s work. This agreement shall be signed by all parties, including the Guardian *ad Litem* who shall suspend work on the case on receipt of notice that the Court has approved the agreement.

A party desiring that the Guardian *ad Litem* resume work on the case shall immediately file an appropriate motion and shall send a copy of the motion to the Guardian *ad Litem* who shall resume work in that case only on receipt of the court's notice that the motion has been granted.

4. PLEADINGS AND STIPULATIONS:

Each party shall certify on every pleading that s/he has mailed or delivered a copy of the pleading to the Guardian *ad Litem*.

The parties may agree on any issue concerning the child(ren) or incapacitated adult, and shall certify that s/he has mailed or delivered a copy of the written agreement to the Guardian *ad Litem*. The Guardian *ad Litem* may sign the agreement or file an objection, if appropriate, within ten days from the date of mailing or delivery.

THE STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

<http://www.courts.state.nh.us>

Court Name: 9th Circuit – Family Division – Nashua

Case Name: In the Matter of Cheryl Yiatras and Mark Yiatras

Case Number: 659-2016-DM-00322

(if known)

~~(RESPONDENT'S PROPOSED)~~

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM

(Divorce/Parenting)

2017 FEB 14
5TH CIRCUIT
CLERK

Cheryl Yiatras
 Petitioner's Name [REDACTED] D.O.B. [REDACTED]
28 Roy Drive
 Street Address
Hudson, NH 03051
 City, State, Zip

Mark Yiatras
 Respondent's Name [REDACTED] D.O.B. [REDACTED]
43 Central St. Apt #B
 Street Address
Hudson, NH 03051
 City, State, Zip

Telephone _____ E-Mail Address _____

Telephone _____ E-Mail Address _____

The following order shall be entered:

1. The attached Standing Order Relative to Guardian *ad Litem* Appointment (hereinafter referred to as the "Standing Order") is made a part of this order. Kathleen A. Sternenberg, Esq.

2. Name: ~~Courtney Curran Vane~~ Telephone: ~~(603) 883-0707~~

Address: ~~Wells White & Fontaine, P.C. 28 Factory Street, Nashua, NH 03061~~

is appointed Guardian *ad Litem* of the child(ren):

<u>[REDACTED]</u>	D.O.B.	<u>[REDACTED]</u>
<u>[REDACTED]</u>	D.O.B.	<u>[REDACTED]</u>
<u>[REDACTED]</u>	D.O.B.	<u>[REDACTED]</u>

* If you are not currently a board certified GAL you must notify the Court immediately and this order will be vacated. If at any time during appointment your certification lapses, you must notify the Court immediately and file a motion to withdraw.

3. The Guardian *ad Litem* shall investigate the following issues and make recommendations to the court thereon:

- ☐ Decision-making responsibilities
- ☒ Residential responsibilities
- ☒ Parenting time
- ☐ Special needs of the child(ren) (specify): _____

☐ Counseling for family/individual counseling for ☐ Petitioner ☐ Respondent ☐ child(ren)

☐ Psychological evaluations of ☐ Petitioner ☐ Respondent ☐ child(ren)

Case Name: In the Matter of Cheryl Ylatras and Mark YlatrasCase Number: 659-2018-DM-00322**ORDER ON APPOINTMENT OF GUARDIAN AD LITEM**

- ☐ Parenting skills of ☐ Petitioner ☐ Respondent ☐ both parties
☐ Appropriateness of the home environment of ☐ Petitioner ☐ Respondent ☐ both parties
☐ Substance abuse: ☐ alcohol ☐ drugs ☐ both ☐ other _____
☐ Violence, physical abuse, emotional abuse
☐ Sexual abuse of _____
☐ Supervision of parenting time
☐ Rights of grandparents to visit
☐ Influence of companions of either party on child(ren)
☐ Maturity of child(ren) stating a preference
☒ Travel arrangements
☐ Time, place and manner of exchange for parenting time
☐ Assessment of bond between child and each parent and/or between siblings
☒ Other issues which the GAL deems relevant based upon the investigation
☐ Other (specify): _____

4. Payment of the costs and fees of the Guardian ad Litem shall be made as follows, in the first instance:

A. Percentage of payment:

- ☒ The Petitioner shall pay 50 % of the Guardian ad Litem fees.
☒ The Respondent shall pay 50 % of the Guardian ad Litem fees.

2/22/17

B. Payment Orders:

- ☒ Unless otherwise agreed with the Guardian ad Litem, the Guardian ad Litem's hourly rate shall be no more than \$ 100. All parties must cooperate with the Guardian ad Litem reasonable requests for payment.
☒ Unless otherwise agreed with the Guardian ad Litem, a retainer of \$ 1,500 shall be paid to the Guardian ad Litem by no later than 3/10/17 in the proportion set forth in the paragraph above. In the event any party's payment is not made in accordance with this Order, the other party or the GAL may request a hearing. The party not in compliance with this Order may be required to appear at the hearing, prepared to show cause why s/he should not be held in contempt of court. Unless otherwise ordered, the Guardian ad Litem is not required to commence an investigation until the retainer is paid in full.
☐ Other Payment Orders: _____

5. Other provisions:

Case Name: In the Matter of Cheryl Yiatras and N x Yiatras
 Case Number: 659-2018-DM-00322

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM

7. Preliminary Report to be filed by: N/A

8. Final Report to be filed by: May 1, 2017

Recommended:

Date _____

Signature of Marital Master _____

Printed Name of Marital Master _____

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date 2/22/17

Signature of Judge _____

Julia A. Introcaso

Printed Name of Judge _____

STANDING ORDER RELATIVE TO GUARDIAN AD LITEM APPOINTMENT

This order applies to all Guardian *ad Litem* appointments unless its terms are altered by an order entered in a specific case. Any changes in the order or the stipulations must be in writing and filed with the court.

1. GUARDIAN AD LITEM STIPULATION:

In every case in which a Guardian *ad Litem* is appointed, the parties and the Guardian shall file a stipulation as to the following issues:

- a. Expenses for which the Guardian *ad Litem* will be reimbursed;
- b. Guardian *ad Litem* hourly billing rate and maximum fee;
- c. Frequency of billing, terms of payment, and payment of retainer;
- d. The names of the individuals requested to be interviewed by the Guardian *ad Litem*, including names, addresses, telephone numbers and relationship to party or child, listed in order of importance. The Guardian *ad Litem* shall have the discretion to decide which individuals to interview;
- e. Manner in which the Guardian *ad Litem* will communicate with each party's references (e.g., office conference, telephone call, letter);
- f. Action(s) the Guardian *ad Litem* will take if unable to contact a reference;
- g. Whether the Guardian *ad Litem* will visit each party's home;
- h. Whether conversations between the Guardian *ad Litem* and the children will be confidential;
- i. Other orders necessary to protect confidentiality; and
- j. Dates by which parties will execute authorizations for reports. Specify records to be requested.

If this stipulation is not filed by the date set forth in the Order on Appointment of Guardian *ad Litem*, the court shall schedule an immediate enforcement hearing at the request of the Guardian *ad Litem* or either party.

Case Name: In the Matter of Cheryl Yiatras and N. Yiatras
Case Number: 659-2016-DM-00322

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM

2. GUARDIAN AD LITEM FEES:

- a. The Guardian *ad Litem* shall be compensated at the rate of \$60.00 per hour. The maximum fee (including costs) shall not exceed \$1,000.00 for any case, and shall include attendance at hearings.
- b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.
- c. The maximum fee shall not be exceeded without prior approval of the court after hearing with the parties and the Guardian *ad Litem* present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.
- d. When the parties are paying the cost of the GAL, the \$60.00 per hour rate and the \$1,000.00 maximum fee may be waived upon written agreement of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties.
- e. If counseling, therapy or evaluations are recommended by the GAL, no expenses for those may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders upon motion of either party, or *sua sponte*, to authorize specific additional services with appropriate limits on payment.

3. COMMENCEMENT, SUSPENSION AND RESUMPTION OF WORK:

The Guardian *ad Litem* shall commence an investigation on receipt of the Order of Appointment and shall diligently investigate the case, and prepare a report. If the parties agree to suspend the investigation and preparation of a report for any reason, they shall immediately seek the assent of the Guardian *ad Litem* to such suspension and file with the Court a written agreement to suspend the Guardian *ad Litem*'s work. This agreement shall be signed by all parties, including the Guardian *ad Litem* who shall suspend work on the case on receipt of notice that the Court has approved the agreement.

A party desiring that the Guardian *ad Litem* resume work on the case shall immediately file an appropriate motion and shall send a copy of the motion to the Guardian *ad Litem* who shall resume work in that case only on receipt of the court's notice that the motion has been granted.

4. PLEADINGS AND STIPULATIONS:

Each party shall certify on every pleading that s/he has mailed or delivered a copy of the pleading to the Guardian *ad Litem*.

The parties may agree on any issue concerning the child(ren) or incapacitated adult, and shall certify that s/he has mailed or delivered a copy of the written agreement to the Guardian *ad Litem*. The Guardian *ad Litem* may sign the agreement or file an objection, if appropriate, within ten days from the date of mailing or delivery.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: 9th Circuit -- Family Division -- Nashua
Case Name: In the Matter of Cheryl Yiatras and Mark Yiatras
Case Number: 658-2016-DM-00322
(if known)

Petitioner's Proposed
ORDER ON APPOINTMENT OF GUARDIAN AD LITEM
(Divorce/Parenting)

Cheryl Yiatras
Petitioner's Name [REDACTED] D.O.B. [REDACTED]
28 Roy Drive
Street Address
Hudson, NH 03051
City, State, Zip

Mark Yiatras
Respondent's Name [REDACTED] D.O.B. [REDACTED]
43 Central St. Apt #B
Street Address
Hudson, NH 03051
City, State, Zip

Telephone _____ E-Mail Address _____

Telephone _____ E-Mail Address _____

The following order shall be entered:

- The attached Standing Order Relative to Guardian *ad Litem* Appointment (hereinafter referred to as the "Standing Order") is made a part of this order.
- Name: George B. LaBouque, Jr. Telephone: (603) 579-5400
Address: 410 Central Street, Hudson, NH 03051
is appointed Guardian *ad Litem* of the child(ren):

<u>[REDACTED]</u>	D.O.B.	<u>[REDACTED]</u>
<u>[REDACTED]</u>	D.O.B.	<u>[REDACTED]</u>
<u>[REDACTED]</u>	D.O.B.	<u>[REDACTED]</u>

*** If you are not currently a board certified GAL you must notify the Court immediately and this order will be vacated. If at any time during appointment your certification lapses, you must notify the Court immediately and file a motion to withdraw.**

- The Guardian *ad Litem* shall investigate the following issues and make recommendations to the court thereon:

- ☐ Decision-making responsibilities
☒ Residential responsibilities
☒ Parenting time
☐ Special needs of the child(ren) (specify): _____

- ☐ Counseling for family/individual counseling for ☐ Petitioner ☐ Respondent ☐ child(ren)
☐ Psychological evaluations of ☐ Petitioner ☐ Respondent ☐ child(ren)

2017 FEB 17 AM 11:42
FILED

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Case Name: In the Matter of Cheryl Yiatras and Mark YiatrasCase Number: 659-2016-DM-00322**ORDER ON APPOINTMENT OF GUARDIAN AD LITEM**

- ☐ Parenting skills of ☐ Petitioner ☐ Respondent ☐ both parties
☐ Appropriateness of the home environment of ☐ Petitioner ☐ Respondent ☐ both parties
☐ Substance abuse: ☐ alcohol ☐ drugs ☐ both ☐ other _____
☐ Violence, physical abuse, emotional abuse
☐ Sexual abuse of _____
☐ Supervision of parenting time
☐ Rights of grandparents to visit
☐ Influence of companions of either party on child(ren)
☐ Maturity of child(ren) stating a preference
☒ Travel arrangements
☐ Time, place and manner of exchange for parenting time
☐ Assessment of bond between child and each parent and/or between siblings
☒ Other issues which the GAL deems relevant based upon the investigation
☐ Other (specify): _____

4. Payment of the costs and fees of the Guardian *ad Litem* shall be made as follows, in the first instance:**A. Percentage of payment:**

- ☒ The Petitioner shall pay 50 % of the Guardian *ad Litem* fees.
☒ The Respondent shall pay 50 % of the Guardian *ad Litem* fees.

B. Payment Orders:

- ☒ Unless otherwise agreed with the Guardian *ad Litem*, the Guardian *ad Litem*'s hourly rate shall be no more than \$ 100. All parties must cooperate with the Guardian *ad Litem* reasonable requests for payment.
☒ Unless otherwise agreed with the Guardian *ad Litem*, a retainer of \$ 1,500 shall be paid to the Guardian *ad Litem* by no later than 2/24/17 in the proportion set forth in the paragraph above. In the event any party's payment is not made in accordance with this Order, the other party or the GAL may request a hearing. The party not in compliance with this Order may be required to appear at the hearing, prepared to show cause why s/he should not be held in contempt of court. Unless otherwise ordered, the Guardian *ad Litem* is not required to commence an investigation until the retainer is paid in full.
☐ Other Payment Orders: _____

5. Other provisions:

Case Name: In the Matter of Cheryl Yiatras and Mark YiatrasCase Number: 659-2016-DM-00322**ORDER ON APPOINTMENT OF GUARDIAN AD LITEM**7. Preliminary Report to be filed by: N/A8. Final Report to be filed by: May 1, 2017**Recommended:**

Date

Signature of Marital Master

Printed Name of Marital Master

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date

Signature of Judge

Printed Name of Judge

STANDING ORDER RELATIVE TO GUARDIAN AD LITEM APPOINTMENT

This order applies to all Guardian *ad Litem* appointments unless its terms are altered by an order entered in a specific case. Any changes in the order or the stipulations must be in writing and filed with the court.

1. GUARDIAN AD LITEM STIPULATION:

In every case in which a Guardian *ad Litem* is appointed, the parties and the Guardian shall file a stipulation as to the following issues:

- a. Expenses for which the Guardian *ad Litem* will be reimbursed;
- b. Guardian *ad Litem* hourly billing rate and maximum fee;
- c. Frequency of billing, terms of payment, and payment of retainer;
- d. The names of the individuals requested to be interviewed by the Guardian *ad Litem*, including names, addresses, telephone numbers and relationship to party or child, listed in order of importance. The Guardian *ad Litem* shall have the discretion to decide which individuals to interview;
- e. Manner in which the Guardian *ad Litem* will communicate with each party's references (e.g., office conference, telephone call, letter);
- f. Action(s) the Guardian *ad Litem* will take if unable to contact a reference;
- g. Whether the Guardian *ad Litem* will visit each party's home;
- h. Whether conversations between the Guardian *ad Litem* and the children will be confidential;
- i. Other orders necessary to protect confidentiality; and
- j. Dates by which parties will execute authorizations for reports. Specify records to be requested.

If this stipulation is not filed by the date set forth in the Order on Appointment of Guardian *ad Litem*, the court shall schedule an immediate enforcement hearing at the request of the Guardian *ad Litem* or either party.

Case Name: In the Matter of Cheryl Yiatras and Mark Yiatras
 Case Number: 659-2016-DM-00322

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM

2. GUARDIAN AD LITEM FEES:

- a. The Guardian *ad Litem* shall be compensated at the rate of \$60.00 per hour. The maximum fee (including costs) shall not exceed \$1,000.00 for any case, and shall include attendance at hearings.
- b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.
- c. The maximum fee shall not be exceeded without prior approval of the court after hearing with the parties and the Guardian *ad Litem* present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.
- d. When the parties are paying the cost of the GAL, the \$60.00 per hour rate and the \$1,000.00 maximum fee may be waived upon written agreement of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties.
- e. If counseling, therapy or evaluations are recommended by the GAL, no expenses for those may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders upon motion of either party, or *sua sponte*, to authorize specific additional services with appropriate limits on payment.

3. COMMENCEMENT, SUSPENSION AND RESUMPTION OF WORK:

The Guardian *ad Litem* shall commence an investigation on receipt of the Order of Appointment and shall diligently investigate the case, and prepare a report. If the parties agree to suspend the investigation and preparation of a report for any reason, they shall immediately seek the assent of the Guardian *ad Litem* to such suspension and file with the Court a written agreement to suspend the Guardian *ad Litem*'s work. This agreement shall be signed by all parties, including the Guardian *ad Litem* who shall suspend work on the case on receipt of notice that the Court has approved the agreement.

A party desiring that the Guardian *ad Litem* resume work on the case shall immediately file an appropriate motion and shall send a copy of the motion to the Guardian *ad Litem* who shall resume work in that case only on receipt of the court's notice that the motion has been granted.

4. PLEADINGS AND STIPULATIONS:

Each party shall certify on every pleading that s/he has mailed or delivered a copy of the pleading to the Guardian *ad Litem*.

The parties may agree on any issue concerning the child(ren) or incapacitated adult, and shall certify that s/he has mailed or delivered a copy of the written agreement to the Guardian *ad Litem*. The Guardian *ad Litem* may sign the agreement or file an objection, if appropriate, within ten days from the date of mailing or delivery.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: 9th Circuit - Family Division - Nashua

Case Name: In the Matter of Stephen Loudermilk and Laura Montgomery

Case Number: 659-2015-DM-00186
 (if known)

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM
(Divorce/Parenting)

Petitioner name: Stephen Loudermilk

D.O.B. [REDACTED]

Address: 82 Martin Stream Rd. Fairfield, ME 04937

Telephone: _____

E-Mail Address: _____

Respondent name: Laura A. Montgomery

D.O.B. [REDACTED]

Address: 6 Lockness Dr. Nashua, NH 03062

Telephone: _____

E-Mail Address: _____

The following order shall be entered:

1. The attached Standing Order Relative to Guardian *ad Litem* Appointment (hereinafter referred to as the "Standing Order") is made a part of this order.

2. Name: Kathleen A. Sternberg, Esq.

Telephone: 603-641-1048

Address: P.O. Box 2288, Concord, NH 03302

Is appointed Guardian *ad Litem* of the child(ren):

Name:

Date of Birth:

[REDACTED]

[REDACTED]

*** If you are not currently a board certified GAL you must notify the Court immediately and this order will be vacated. If at any time during appointment your certification lapses, you must notify the Court immediately and file a motion to withdraw.**

3. The Guardian *ad Litem* shall investigate the following issues and make recommendations to the court thereon:

☐ Decision-making responsibilities

☒ Residential responsibilities

☒ Parenting time

☐ Special needs of the child(ren) (specify):

☐ Counseling for family/individual counseling for ☐ Petitioner ☐ Respondent ☐ child(ren)

☐ Psychological evaluations of ☐ Petitioner ☐ Respondent ☐ child(ren)

Case Name: In the Matter of Stephen Loudermilk and Laura MontgomeryCase Number: 659-2015-DM-00185**ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)**

- ☐ Parenting skills of ☐ Petitioner ☐ Respondent ☐ both parties
☐ Appropriateness of the home environment of ☐ Petitioner ☐ Respondent ☐ both parties
☐ Substance abuse: ☐ alcohol ☐ drugs ☐ both ☐ other _____
☐ Violence, physical abuse, emotional abuse
☐ Sexual abuse of _____
☐ Supervision of parenting time
☐ Rights of grandparents to visit
☐ Influence of companions of either party on child(ren)
☐ Maturity of child(ren) stating a preference
☐ Travel arrangements
☐ Time, place and manner of exchange for parenting time
☐ Assessment of bond between child and each parent and/or between siblings
☐ Other issues which the GAL deems relevant based upon the investigation
☒ Other (specify):
Any other issues agreed to by the parties

4. The Court sets the maximum fee in this case at \$3,000. The fee may only be exceeded with prior approval of the Court and notice to all parties. Payment of the costs and fees of the Guardian ad Litem shall be made as follows:

A. Percentage of payment:

- ☒ The Petitioner shall pay 100 % of the Guardian ad Litem fees.
☐ The Respondent shall pay _____ % of the Guardian ad Litem fees.

B. Payment Orders:

- ☒ Unless otherwise agreed with the Guardian ad Litem, the Guardian ad Litem's hourly rate shall be no more than \$ 125.00. All parties must cooperate with the Guardian ad Litem's reasonable requests for payment.
☐ Unless otherwise agreed with the Guardian ad Litem, a retainer of \$ TBD shall be paid to the Guardian ad Litem by no later than 12/15/18 in the proportion set forth in the paragraph above. In the event any party's payment is not made in accordance with this Order, the other party or the GAL may request a hearing. The party not in compliance with this Order may be required to appear at the hearing, prepared to show cause why s/he should not be held in contempt of court. Unless otherwise ordered, the Guardian ad Litem is not required to commence an investigation until the retainer is paid in full.
☒ Other Payment Orders:
The Responsible party and the GAL shall communicate to resolve payment issues if they arise.

Case Name: In the Matter of Stephen, Loudermilk and Laura MontgomeryCase Number: 859-2018-DM-00165ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

5. Other provisions:

The parties are scheduled to attend NCE on February 6, 2019, and the input of the GAL is essential to the parties preparation in advance of NCE. This matter should be handled promptly by the GAL, and the parties should make the requests of the Guardian with respect to completing questionnaires, meetings, interviews, etc. a priority.

6. Guardian *ad Litem* Stipulations to be filed by: December 31, 20187. Preliminary Report to be filed by: February 1, 20198. Final Report, if necessary, to be filed by: February 20, 2019

So Ordered.

November 29, 2018

Date



Judge Julie A. Introcaso

STANDING ORDER RELATIVE TO GUARDIAN AD LITEM APPOINTMENT

This order applies to all Guardian *ad Litem* appointments unless its terms are altered by an order entered in a specific case. Any changes in the order or the stipulations must be in writing and filed with the court.

1. GUARDIAN AD LITEM STIPULATION:

In every case in which a Guardian *ad Litem* is appointed, the parties and the Guardian shall file a stipulation as to the following issues:

- a. Expenses for which the Guardian *ad Litem* will be reimbursed;
- b. Guardian *ad Litem* hourly billing rate and the maximum fee established by the court in this case;
- c. Frequency of billing, terms of payment, and payment of retainer;
- d. The names of the individuals requested to be interviewed by the Guardian *ad Litem*, including names, addresses, telephone numbers and relationship to party or child, listed in order of importance. The Guardian *ad Litem* shall have the discretion to decide which individuals to interview;
- e. Manner in which the Guardian *ad Litem* will communicate with each party's references (e.g., office conference, telephone call, letter);
- f. Action(s) the Guardian *ad Litem* will take if unable to contact a reference;
- g. Whether the Guardian *ad Litem* will visit each party's home;

Case Name: In the Matter of Stephen, Loudermilk and Laura Montgomery

Case Number: 659-2015-DM-00185

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM (Divorce/Parenting)

- h. Whether conversations between the Guardian *ad Litem* and the children will be confidential;
- i. Other orders necessary to protect confidentiality; and
- j. Dates by which parties will execute authorizations for reports. Specify records to be requested.

If this stipulation is not filed by the date set forth in the Order on Appointment of Guardian *ad Litem*, the court shall schedule an immediate enforcement hearing at the request of the Guardian *ad Litem* or either party.

2. GUARDIAN AD LITEM FEES:

- a. The Guardian *ad Litem* shall be compensated at the rate of \$_____ per hour. The maximum fee set by the court (including costs) shall not exceed \$_____ for this case, and shall include attendance at hearings.
- b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.
- c. The maximum fee shall not be exceeded without prior approval of the court after hearing with the parties and the Guardian *ad Litem* present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.
- d. When the parties are paying the cost of the GAL, the \$_____ per hour rate and the maximum fee set by the court may be waived upon written agreement of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties.
- e. If counseling, therapy or evaluations are recommended by the GAL, no expenses for those may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders upon motion of either party, or *sua sponte*, to authorize specific additional services with appropriate limits on payment.

3. COMMENCEMENT, SUSPENSION AND RESUMPTION OF WORK:

The Guardian *ad Litem* shall commence an investigation on receipt of the Order of Appointment and, unless otherwise ordered, on receipt of payment of the retainer in full, and shall diligently investigate the case, and prepare a report. If the parties agree to suspend the investigation and preparation of a report for any reason, they shall immediately seek the assent of the Guardian *ad Litem* to such suspension and file with the Court a written agreement to suspend the Guardian *ad Litem*'s work. This agreement shall be signed by all parties, including the Guardian *ad Litem* who shall suspend work on the case on receipt of notice that the Court has approved the agreement.

A party desiring that the Guardian *ad Litem* resume work on the case shall immediately file an appropriate motion and shall send a copy of the motion to the Guardian *ad Litem* who shall resume work in that case only on receipt of the court's notice that the motion has been granted.

4. PLEADINGS AND STIPULATIONS:

Each party shall certify on every pleading that s/he has mailed or delivered a copy of the pleading to the Guardian *ad Litem*.

The parties may agree on any issue concerning the child(ren) or incapacitated adult, and shall certify that s/he has mailed or delivered a copy of the written agreement to the Guardian *ad Litem*. The Guardian *ad Litem* may sign the agreement or file an objection, if appropriate, within ten days from the date of mailing or delivery.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: 9th Circuit - Family Division - Nashua
Case Name: In the Matter of Kseniya Auslaikova and Brian Meckel
Case Number: 659-2018-DM-00414
(if known)

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM
(Divorce/Parenting)

Kseniya Auslaikova [REDACTED]
Petitioner's Name D.O.B.
5 Hastings Lane
Street Address
Nashua NH 03064
City, State, Zip
617-640-4895 kakova83@gmail.com
Telephone E-Mail Address

Brian Meckel [REDACTED]
Respondent's Name D.O.B.
12 Lisa Drive
Street Address
Nashua NH 03062
City, State, Zip
603-966-7784 brian.meckel@gmail.com
Telephone E-Mail Address

The following order shall be entered:

1. The attached Standing Order Relative to Guardian ad Litem Appointment (hereinafter referred to as the "Standing Order") is made a part of this order.

2. Name: Kathleen Sternenberg Telephone: 603-1048
Address: PO Box 2288 Concord, NH 03302
is appointed Guardian ad Litem of the child(ren):

[REDACTED] D.O.B. [REDACTED]
[REDACTED] D.O.B. [REDACTED]
[REDACTED] D.O.B. [REDACTED]

* If you are not currently a board certified GAL you must notify the Court immediately and this order will be vacated. If at any time during appointment your certification lapses, you must notify the Court immediately and file a motion to withdraw.

3. The Guardian ad Litem shall investigate the following issues and make recommendations to the court thereon:

- ☐ Decision-making responsibilities
☒ Residential responsibilities
☒ Parenting time
☐ Special needs of the child(ren) (specify):

- ☒ Counseling for family/individual counseling for ☐ Petitioner ☐ Respondent ☒ child(ren)
☐ Psychological evaluations of ☐ Petitioner ☐ Respondent ☐ child(ren)

Case Name: [redacted] re Matter of Kseniya Ausiaikova and [redacted] in Meckel

Case Number: 659-2018-DM-00414

ORDER ON APPOINTMENT OF GUARDIAN AD LITEM

- ☒ Parenting skills of ☐ Petitioner ☐ Respondent ☒ both parties
- ☒ Appropriateness of the home environment of ☐ Petitioner ☐ Respondent ☒ both parties
- ☒ Substance abuse: ☒ alcohol ☐ drugs ☐ both ☐ other _____
- ☐ Violence, physical abuse, emotional abuse
- ☐ Sexual abuse of
- ☐ Supervision of parenting time
- ☐ Rights of grandparents to visit
- ☐ Influence of companions of either party on child(ren)
- ☐ Maturity of child(ren) stating a preference
- ☒ Travel arrangements
- ☒ Time, place and manner of exchange for parenting time
- ☒ Assessment of bond between child and each parent and/or between siblings
- ☒ Other issues which the GAL deems relevant based upon the investigation
- ☒ Other (specify):

4. Payment of the costs and fees of the Guardian *ad Litem* shall be made as follows, in the first instance:

A. Percentage of payment:

- ☒ The Petitioner shall pay 50 % of the Guardian *ad Litem* fees.
- ☒ The Respondent shall pay 50 % of the Guardian *ad Litem* fees.

B. Payment Orders:

- ☐ Unless otherwise agreed with the Guardian ad Litem, the Guardian ad Litem's hourly rate shall be no more than \$ _____. All parties must cooperate with the Guardian ad Litem reasonable requests for payment:
- ☒ Unless otherwise agreed with the Guardian ad Litem, a retainer of \$ 1,200 - _____ shall be paid to the Guardian ad Litem by no later than 1/4/2019 in the proportion set forth in the paragraph above. In the event any party's payment is not made in accordance with this Order, the other party or the GAL may request a hearing. The party not in compliance with this Order may be required to appear at the hearing, prepared to show cause why s/he should not be held in contempt of court. Unless otherwise ordered, the Guardian ad Litem is not required to commence an investigation until the retainer is paid in full.
- ☒ Other Payment Orders: _____

5. Other provisions:

NOE: 3/7/19 8:30 AM; PTC 3/23/19 9:00 AM


6. Guardian ad Litem Stipulations to be filed by: 1/6/19

Case Name: In the Matter of Kseniya Ausialkova and () n MeckelCase Number: 659-2018-DM-00414**ORDER ON APPOINTMENT OF GUARDIAN AD LITEM**7. Preliminary Report to be filed by: 3/1/198. Final Report to be filed by: TDD**Recommended:**Date 12/6/18Signature of Marital Master **BRUCE F. DALPRA**

Printed Name of Marital Master

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date 12/12/18Signature of Judge **Julie A. Introcaso**

Printed Name of Judge

STANDING ORDER RELATIVE TO GUARDIAN AD LITEM APPOINTMENT

This order applies to all Guardian *ad Litem* appointments unless its terms are altered by an order entered in a specific case. Any changes in the order or the stipulations must be in writing and filed with the court.

1. GUARDIAN AD LITEM STIPULATION:

In every case in which a Guardian *ad Litem* is appointed, the parties and the Guardian shall file a stipulation as to the following issues:

- a. Expenses for which the Guardian *ad Litem* will be reimbursed;
- b. Guardian *ad Litem* hourly billing rate and maximum fee;
- c. Frequency of billing, terms of payment, and payment of retainer;
- d. The names of the individuals requested to be interviewed by the Guardian *ad Litem*, including names, addresses, telephone numbers and relationship to party or child, listed in order of importance. The Guardian *ad Litem* shall have the discretion to decide which individuals to interview;
- e. Manner in which the Guardian *ad Litem* will communicate with each party's references (e.g., office conference, telephone call, letter);
- f. Action(s) the Guardian *ad Litem* will take if unable to contact a reference;
- g. Whether the Guardian *ad Litem* will visit each party's home;
- h. Whether conversations between the Guardian *ad Litem* and the children will be confidential;
- i. Other orders necessary to protect confidentiality; and
- j. Dates by which parties will execute authorizations for reports. Specify records to be requested.

If this stipulation is not filed by the date set forth in the Order on Appointment of Guardian *ad Litem*, the court shall schedule an immediate enforcement hearing at the request of the Guardian *ad Litem* or either party.

Case Name: In re Matter of Kseniya Ausialkova and () in MeckelCase Number: 659-2018-DM-00414**ORDER ON APPOINTMENT OF GUARDIAN AD LITEM****2. GUARDIAN AD LITEM FEES:**

- a. The Guardian *ad Litem* shall be compensated at the rate of \$60.00 per hour. The maximum fee (including costs) shall not exceed \$1,000.00 for any case, and shall include attendance at hearings.
- b. Parties, counsel and the GAL shall be aware of the GAL fees and costs and shall take reasonable action to contain those fees and costs. Maximum limits will be strictly enforced.
- c. The maximum fee shall not be exceeded without prior approval of the court after hearing with the parties and the Guardian *ad Litem* present. Any request to exceed the maximum shall be filed with the court in writing and shall set forth in detail the reasons for the request and the amount by which the maximum is to be exceeded.
- d. When the parties are paying the cost of the GAL, the \$60.00 per hour rate and the \$1,000.00 maximum fee may be waived upon written agreement of the parties and counsel which shall be filed with the court and subject to court approval. The agreement shall set forth the hourly rate and the maximum fee agreed to by the parties.
- e. If counseling, therapy or evaluations are recommended by the GAL, no expenses for those may be incurred without the prior approval of the court after hearing. Notwithstanding the above, the court may enter orders upon motion of either party, or *sua sponte*, to authorize specific additional services with appropriate limits on payment.

3. COMMENCEMENT, SUSPENSION AND RESUMPTION OF WORK:

The Guardian *ad Litem* shall commence an investigation on receipt of the Order of Appointment and shall diligently investigate the case, and prepare a report. If the parties agree to suspend the investigation and preparation of a report for any reason, they shall immediately seek the assent of the Guardian *ad Litem* to such suspension and file with the Court a written agreement to suspend the Guardian *ad Litem*'s work. This agreement shall be signed by all parties, including the Guardian *ad Litem* who shall suspend work on the case on receipt of notice that the Court has approved the agreement.

A party desiring that the Guardian *ad Litem* resume work on the case shall immediately file an appropriate motion and shall send a copy of the motion to the Guardian *ad Litem* who shall resume work in that case only on receipt of the court's notice that the motion has been granted.

4. PLEADINGS AND STIPULATIONS:

Each party shall certify on every pleading that s/he has mailed or delivered a copy of the pleading to the Guardian *ad Litem*.

The parties may agree on any issue concerning the child(ren) or incapacitated adult, and shall certify that s/he has mailed or delivered a copy of the written agreement to the Guardian *ad Litem*. The Guardian *ad Litem* may sign the agreement or file an objection, if appropriate, within ten days from the date of mailing or delivery.